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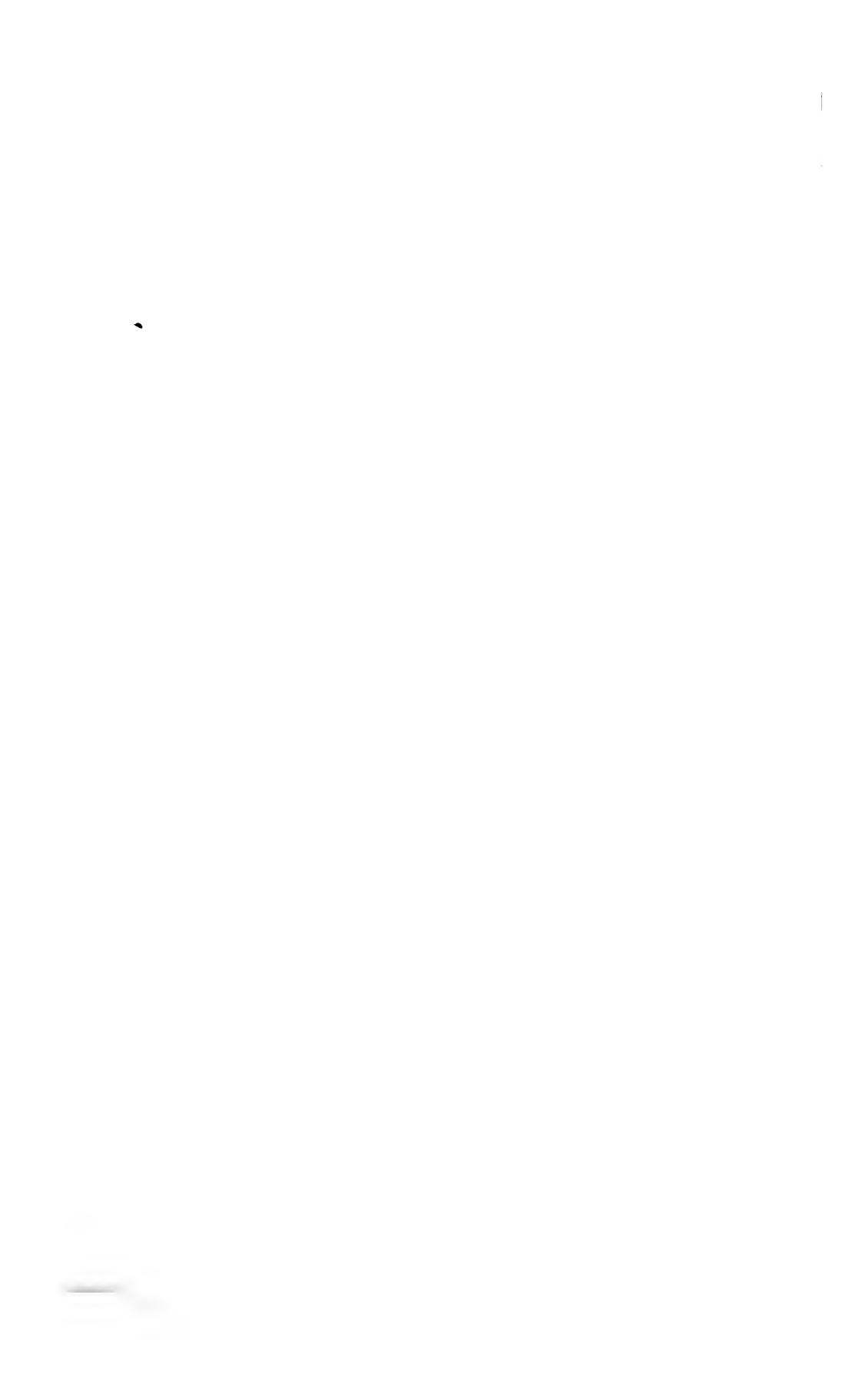
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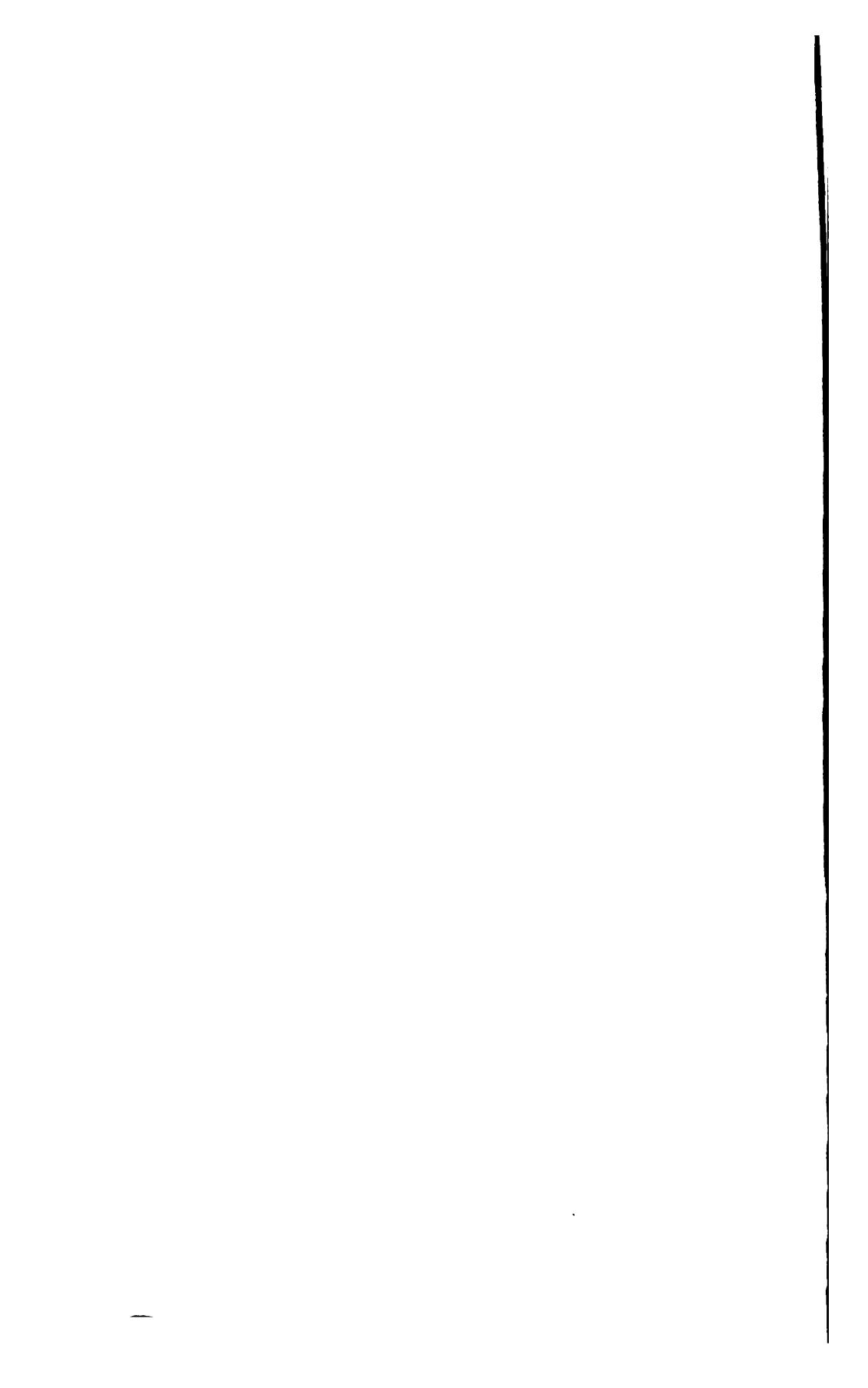
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A C T S

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY

PASSED AT THE

REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS
BEGUN AND HELD ON TUESDAY, THE SECOND DAY
OF JANUARY, ONE THOUSAND EIGHT HUNDRED
AND NINETY-FOUR.

PROPERTY OF THE STATE OF KENTUCKY.

FRANKFORT, KY.

PRINTED BY THE CAPITAL PRINTING Co.

1894.

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L A W S
OF THE
STATE OF KENTUCKY,

PASSED AT THE REGULAR SESSION OF THE GENERAL
ASSEMBLY, WHICH WAS BEGUN AND HELD IN
THE CITY OF FRANKFORT ON TUESDAY,
THE SECOND DAY OF JANUARY,
EIGHTEEN HUNDRED AND
NINETY-FOUR.

JOHN YOUNG BROWN, *Governor.*
M. C. ALFORD, *Lieut.-Gov., President of Senate.*
A. J. CARROLL, *Speaker House of Representatives.*
J. W. HEADLEY, *Secretary of State.*
W. J. HENDRICK, *Attorney-General.*

CHAPTER 1.

AN ACT to amend an act of the General Assembly, section twenty-five, article three, chapter one hundred and fifty-one, approved February twenty-fifth, one thousand eight hundred and ninety-three, entitled "An act concerning liens."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That section twenty-five of article three of chapter one hundred and fifty-one of the Acts of the General Assembly, approved February twenty-fifth,

one thousand eight hundred and ninety-three, entitled "An act concerning liens," be amended by inserting therein, after the word "any," in the first line thereof, the word "mine," so that said section will read: "When the property or effects of any mine, railroad, turnpike, canal or other public improvement company, or of any owner or operator of any rolling mill, foundry or other manufacturing establishment, whether incorporated or not, shall be assigned for the benefit of creditors, or shall come into the hands of any executor, administrator, commissioner, receiver of a court, trustee or assignee for the benefit of creditors, or shall in anywise come to be distributed among creditors, whether by operation of law or by the act of such company, owner or operator, the employees of such company, owner or operator in such business, and the persons who shall have furnished materials or supplies for the carrying on of such business, shall have a lien upon so much of such property and effects as may have been involved in such business, and all the accessories connected therewith, including the interest of such company, owner or operator in the real estate used in carrying on such business."

A. J. CARROLL,

Speaker House of Representatives.

M. C. ALFORD,

President of the Senate.

Approved January 23, 1894.

JOHN YOUNG BROWN,

Governor.

By the Governor:

JOHN W. HEADLEY,

Secretary of State.

CHAPTER 2.

AN ACT to prevent the printing and distribution of obscene literature, and the sale or exhibition of obscene pictures, and the manufacture or distribution or sale of articles or instruments for immoral use.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person or corporation who sells, lends, gives away or shows, or offers to sell, lend, give away or show, or has in his possession with intent to sell, lend or give away, or to show, or advertises in any manner, or who otherwise offers for loan, gift, sale or distribution, any obscene, lewd, lascivious, filthy, indecent or disgusting book, magazine, pamphlet, newspaper, story-paper, writing, paper, picture, drawing, photograph, figure or image, or any written or printed matter of an indecent character; or any article or instrument of indecent or immoral use, or purporting to be for indecent or immoral use or purpose, or who designs, copies, draws, photographs, prints, utters, publishes, or in any manner manufactures or prepares any such book, picture, drawing, magazine, pamphlet, newspaper, story-paper, writing, paper, figure, image, matter, article or thing, or who writes, prints, publishes or utters, or causes to be written, printed, published or uttered, any advertisement or notice of any kind, giving information, directly or indirectly, stating, or purporting so to do, where, how, of whom, or by what means, any, or what purports to be any, obscene, lewd, lascivious, filthy, disgusting or indecent book, picture, writing, paper, figure, image, matter, article or thing named in this section, can be purchased, obtained or had.

§ 2. Any person or corporation who prints, utters, publishes, sells, lends, gives away or shows, or has in his possession with intent to sell, lend, give away or show, or otherwise offers for sale, loan, gift or distribution, any book, pamphlet, magazine, news-

paper or other printed paper devoted to the publication, and principally made up of criminal news, police reports or accounts of criminal deeds, or pictures, or stories of deeds of bloodshed, lust or crime.

§ 3. Any person or corporation who in any manner hires, employs, uses or permits any minor or child to do or assist in doing any act or thing mentioned in this section, or any of them, is guilty of a misdemeanor, and, upon conviction, shall be sentenced to not less than ten days nor more than one year's imprisonment, or be fined not less than fifty dollars nor more than one thousand dollars, or both fine and imprisonment, for each offense.

§ 4. The provisions of this act shall not be construed so as to apply to works of a scientific character on anatomy, surgery and obstetrics or other scientific publications ; nor shall said act prevent book publishers or book dealers from issuing and selling books of the aforesaid character.

Approved January 27, 1894.

CHAPTER 3.

AN ACT to amend subsection two of section three and section sixteen, chapter two hundred and fifty-nine, of an act, entitled "An act to regulate and control turnpike and gravel and plank roads," approved July sixth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That subsection two of section three, chapter two hundred and fifty-nine, of an act, entitled "An act to regulate and control turnpike and gravel and plank roads," approved July sixth, one thousand eight hundred and ninety-three, be amended by inserting immediately after the word "year," in the fifth line, in said subsection, the following, namely : "As provided in section sixteen of this act as hereby amended, which is made applicable hereto."

§ 2. That section sixteen of said act be amended by striking out the words "three months," in the seventh line of said section, and inserting in lieu thereof the words "one month, or other longer period not exceeding one year." And by striking out of said section, in the eighth and ninth lines, the words "and in no case shall there be any abatement from the regular charges," and by inserting in lieu thereof the following, namely: "That no person shall be permitted by the directors of such road to travel thereon without paying or contracting to pay therefor; but the directors may contract with the persons traveling on such road for travel thereon on horseback or in buggy or spring wagon only for the period hereinbefore stated, by ascertaining the probable amount of travel that such person may do on such road, and they may make him a rate, which may be a reasonable and fair deduction from what his toll would amount to if paid by the trip under the preceding sections of the act to which this is an amendment," so that subsection two of section three will read as follows, namely: "All tolls are to be paid at the several gates at the time they are passed or in advance, unless by agreement with the managers of the road a special permit is obtained to pass for a month or other longer term, not exceeding a year, as provided in section sixteen of this act as hereby amended, which is made applicable hereto. If not so paid, the gate-keeper may stop any person and prevent him and his property from passing till payment is made." And section sixteen, as hereby amended, shall read as follows, namely: "The managers or directors of all the turnpike and gravel roads in which the State or county is a part owner shall, at the time of passing, require the payment of the tolls as fixed by law from all persons who may travel thereon, unless it shall be previously agreed by the directors of such road that accounts may be kept, to be paid at the end of one month or other longer period, not exceeding one year. That no person shall

be permitted by the directors of such road to travel thereon without paying or contracting to pay therefor. But the directors may contract with the persons traveling on such road for travel thereon on horseback or in buggy or spring wagon only for the period herein-before stated, by ascertaining the probable amount of travel that such person may do on such road, and they may make him a rate, which may be a reasonable and fair deduction from what his toll would amount to if paid by the trip under the preceding sections of the act to which this is an amendment. And where any such agreement be made, and the party making the same shall fail or refuse to pay the gate-keeper, it shall be his duty to stop any such person and prevent him or his property from passing till payment is made."

§ 3. This law as it now exists causes great inconvenience; hence an emergency is hereby declared to exist, and this act shall take effect and be in force from its passage.

Approved January 31, 1894.

CHAPTER 4.

AN ACT to allow circuit judges to appoint special bailiffs in certain cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in the trial of any felony case in this Commonwealth when the case has been called, and either party is not ready for trial because of the absence of any witness or witnesses being in any county other than that in which said court is sitting, and having been duly subpoenaed and failing to appear, the circuit judge thereof be, and he is hereby, empowered to appoint a special bailiff to summon said witness or witnesses, and who shall have the power to

arrest and bring said witness or witnesses immediately before said court.

§. Said bailiff shall be allowed by the judge a reasonable compensation for said service, not to exceed that allowed sheriffs for conveying prisoners to the penitentiary.

Approved January 31, 1894.

CHAPTER 5.

AN ACT concerning the selection of juries in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. WHEREAS, There is existing great doubt as to the legality of grand and petit juries selected in accordance with the then existing laws in the courts of this State at terms thereof held before the act of May twenty-second, one thousand eight hundred and ninety-three, entitled "An act concerning juries, and entitled 'Juries,'" went into effect, to be used at terms of said courts to be held after said act became a law; it is therefore declared that said grand and petit juries so selected can be lawfully used, and the business of said courts transacted therewith, as if they had been selected in accordance with the provisions of the act of May twenty-second, one thousand eight hundred and ninety-three.

§ 2. *Be it further enacted*, That in courts of this State in which, at the last terms thereof which were held after the act of May twenty-second, one thousand eight hundred and ninety-three, went into force, no grand or petit juries were selected because of the failure of the authorities in such counties where said courts were held to have in possession the appliances required by law for the selection of said juries, the sheriff of the county wherein said courts are to be held is hereby authorized to summon the grand

and petit juries for the next succeeding term of such courts, and such juries may lawfully sit and transact the business of said courts as if they were selected in accordance with the provisions of the law of May twenty-second, one thousand eight hundred and ninety-three.

§ 3. That in courts of this State, which were held after the act of May twenty second, one thousand eight hundred and ninety-three, went into effect, and where grand and petit juries were selected, as provided by the laws in force prior to the time said act went into effect because of the failure of the courts to have the compliances required by law for the selection of juries, the said grand and petit juries so selected can be lawfully used, and the business of said courts transacted therewith as if they had been selected in accordance with the act of May twenty-second, one thousand eight hundred and ninety-three.

§ 4. *Be it further enacted*, That at the next term of courts wherein the juries have been selected, as in sections numbers one, two and three of this act, the trial of indictments for felonies, if the regular panel of jurors is exhausted by reason of challenges, or for other reasons, the sheriff may proceed to summon jurors to supply the places of those on the regular panel of jurors in the manner required by law previous to the enactment of the law of May twenty-second, one thousand eight hundred and ninety-three.

§ 5. Upon the approval of this act the Secretary of State is directed to forward a copy of same by mail immediately to each of the circuit court judges of this Commonwealth.

§ 6. As there are many of the courts of this State which, at the next regular terms thereof, have no juries properly selected, it is therefore declared that an emergency does now exist, and this act shall become a law upon its approval by the Governor.

Approved February 5, 1894.

CHAPTER 6.

AN ACT to amend an act, entitled "An act for the government of cities of the first class," approved July first, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section forty-eight of an act, entitled "An act for the government of cities of the first class," be, and the same is hereby, amended by inserting after the word "control," and before the word "subordinate," the following words: "The board of public works shall have the power to appoint a chief engineer for the city, and such subordinate engineers as may be necessary: *Provided*, That all applicants for the position of chief engineer shall first be examined by a board of three competent civil engineers, to be elected by the general council, and that no applicant who fails to pass an examination satisfactory to said board of examiners shall be eligible to the office of chief engineer, and no person shall hold the position of chief engineer until he shall have first passed said examination. In all cases where the examination is made in writing, all the papers shall be filed of public record with the secretary of the board of public works. The general council shall have power to fix the compensation of the said board of examiners: *Provided further*, That no person employed in the capacity of civil engineer, deputy, or any other capacity, under the board of public works, or in the capacity of civil engineer under the employ of the city government, except the chief engineer above provided for, shall receive a salary in excess of fifteen hundred dollars per annum," so that said section, as amended, would read as follows: "Each of said boards may appoint, and, at pleasure, remove a chief of each department under its control. The board of public works shall have the power to appoint a chief engineer for the city and such subordinate engineers as may be necessary: *Provided*, That

all applicants for the position of chief engineer shall first be examined by a board of three competent civil engineers, to be elected by the general council, and that no applicant who fails to pass an examination satisfactory to said board of examiners shall be eligible to the office of chief engineer, and no person shall hold the position of chief engineer until he shall have first passed said examination. In all cases where the examination is made in writing, all the papers shall be filed of public record with the secretary of the board of public works. The general council shall have the power to fix the compensation of the said board of examiners: *Provided further.* That no person employed in the capacity of civil engineer, deputy, or any other capacity, under the board of public works, or in the capacity of civil engineer under the employ of the city government, except the chief engineer above provided for, shall receive a salary in excess of one thousand five hundred dollars per annum. Subordinate officers and employes may be removed or punished by the board on the recommendation of the chief of the department concerned for cause, subject to such regulations as may be prescribed by ordinance or by the board. The cause for the removal of any subordinate as aforesaid must be stated in writing, and be transmitted to the board, and the board may, in its discretion, retain or dismiss such subordinate. No officer or employe shall be removed for political causes. Interference in elections, electioneering or canvassing by any officer or employe of said board shall be cause for instant removal."

§ 2. Inasmuch as it is necessary for cities of the first class to have a city engineer, and inasmuch as no provision is made in the charter for said cities for the election or appointment of a city engineer, an emergency exists and is hereby declared, and this act shall take effect from its approval by the Governor.

Approved February 9, 1894.

CHAPTER 7.

AN ACT to amend section one hundred and thirty-eight of an act, entitled "An act relating to crimes and punishments," approved April tenth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section one hundred and thirty-eight of chapter one hundred and eighty-two of Session Acts of one thousand eight hundred and ninety-one-ninety-two-ninety-three, be amended by striking out the word "five," in the fourth line of said section, and by inserting in lieu thereof the words "one cent," so that said section, as amended, will read as follows, namely:

§ 138. If any person or persons shall be guilty of a breach of the peace, riot, rout, unlawful assembly or affray, the person so offending, and each of them, shall be fined not less than one cent nor more than one hundred dollars, or imprisonment not less than five nor more than fifty days, or both so fined and imprisoned.

Approved February 9, 1894.

CHAPTER 8.

AN ACT to amend an act, entitled "An act concerning office and officer," approved May sixteenth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act concerning office and officer," approved May sixteenth, one thousand eight hundred and ninety-three, be, and the same is hereby, amended by striking out section nineteen of said act, and inserting in lieu thereof the following:

§ 19. The following officers shall have commissions issued to them by the Governor, that is to say: Sec-

retary of State, Register of the Land Office, Auditor of Public Accounts, Treasurer, Commissioner of Agriculture, Labor and Statistics, Superintendent of Public Instruction, Judges of the Court of Appeals, Clerk of the Court of Appeals, judges of the circuit courts, county judges, police judges, Railroad Commissioners, Commonwealth's attorneys, justices of the peace, notaries public, and all the officers of the militia of rank and grade higher than and including the rank and grade of captain. Should a vacancy occur in any of said offices, by reason of the death, resignation or removal of the officer, or from any other cause, or should a like vacancy occur in any other office where there is no provision of law for filling same, such vacancy shall be filled by the appointment of the Governor, subject to the provisions of the Constitution applicable thereto.

Approved February 10, 1894.

CHAPTER 9.

AN ACT for the benefit of sheriffs and jailers in this Commonwealth.

WHEREAS, The judges of the Menefee Circuit and County Courts did order the sheriff and jailer of Menefee county to summon guards to safely keep and transfer Alonzo Brookshire, charged with murder, and indicted therefor in the Menefee Circuit Court, and said officers, pursuant to said orders, did summon guards for said purpose, and did pay same under orders of the said Menefee Circuit Court, and the emergency of the case demanded more guards than are authorized by law, and said officers having to obey the orders of the court in summoning the guards and transporting said prisoner, who was hotly pursued by a mob of armed men, threatening his life; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby

directed to audit and report to the General Assembly all amounts allowed to or paid by said sheriff and jailer for the purpose named above, or to guards summoned by them under orders of the said courts; and said amounts, when audited and reported by the Auditor of State, are hereby made a legal demand against the Commonwealth.

Approved February 17, 1894.

[This act is approved as authorizing the claims to be audited according to law, but another act must now be passed appropriating the money to pay same.]

CHAPTER 10.

AN ACT to amend an act, entitled "An act concerning the militia of the Commonwealth of Kentucky," approved March thirteenth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section fifty-four of an act, entitled "An act concerning the militia of the Commonwealth of Kentucky" be, and the same is hereby, amended by inserting after the words "the salary of the Adjutant-General," "and also annual salary of two hundred dollars, to be paid out of the State military fund in equal monthly installments," so that said section, as amended, would read as follows: "The Adjutant-General shall be furnished a suitable office in some of the public buildings at the Capital of the Commonwealth, and shall, in addition to his other duties, under the direction of the Governor, collect moneys that may be due the Commonwealth on account of war claims for arms and supplies furnished by the State to the United States, on account of the late war. He shall receive an annual salary of two thousand dollars for all services imposed on him by law, to be paid monthly out of the Treasury, and shall appoint one attendant at the State Arsenal, with

the rank of Ordnance Sergeant, who shall, under the direction of the Adjutant-General, take proper care of the arms and State property kept therein, and who shall receive an annual salary of six hundred dollars, to be paid in like manner as the Adjutant-General." And in addition to said annual salary of six hundred dollars to be so paid, said Ordnance Sergeant shall be paid two hundred dollars, in equal monthly installments, out of the State military fund, appropriated by section fifty-three of the act hereby amended, and said sum of two hundred dollars shall not be a charge upon the State Treasury. "An Assistant Adjutant-General shall receive an annual salary of twelve hundred dollars, to be paid in like manner as the Adjutant-General. The Judge Advocate General shall receive for his services, as from time to time required, a reasonable compensation, to be fixed by the Adjutant-General and approved by the Governor, and paid out of the Treasury on warrant of the Auditor of Public Accounts, upon duplicate accounts, certified by the Adjutant-General and countersigned by the Governor. Other officers and men of the State Guard, when employed in active service, shall receive pay as follows: Colonels, three dollars; lieutenant-colonels, two dollars and seventy-five cents; majors, two dollars and fifty cents; captains, two dollars and twenty-five cents; first lieutenants, two dollars; second lieutenants, two dollars; sergeants of and above the grade of first, two dollars; other sergeants and corporals, one dollar and seventy-five cents, and privates, one dollar and fifty cents per day; the same to be paid out of the Treasury on warrant of the Auditor of Public Accounts, upon company pay-rolls, accompanied by copies, or certificates, of the orders bearing on the case, certified by the Adjutant General and approved by the Governor by his own signature. Each officer and each enlisted man shall also be entitled to one ration per day, and forage when mounted, the ration and forage to be the same as in the army of the

United States, or commuted at the actual cost thereof, or of subsistence."

§ 2. Inasmuch as it is necessary that the salary of the attendant at the State Arsenal be fixed by law, an emergency exists, and is hereby declared, and this act shall take effect from its approval by the Governor.

Approved February 21, 1894.

CHAPTER 11.

AN ACT to amend an act, entitled "An act relating to circuit courts in counties having a population less than one hundred and fifty thousand, and which constitute separate judicial districts."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act relating to circuit courts in counties having a population of less than one hundred and fifty thousand, which constitute a separate judicial district," which was approved December twenty-seventh, one thousand eight hundred and ninety-two, be, and the same is, amended so that section one thereof shall read as follows :

§ 1. That in counties having a population of less than one hundred and fifty thousand, and which constitute separate judicial districts, the circuit courts shall be in continuous session, and shall be held in cities of the second class, where there are or may be such cities, but the judge of such courts shall hold part of such sessions at the county seat of the county where the same is not such city, such part to be not less than two weeks if the business of the court require so long, in February, June and October of each year. And all suits in which the defendants, or the greater number of defendants, reside nearer to said county seat than to said city of the second class, shall be docketed and tried at said county seat, and the process in such cases shall so indicate. Foreign

corporations, non-residents of the county, and common carriers whose lines extend into any part of said city or county shall be deemed residents of the places, and the plaintiff in any action against any such defendant may select at which place he will have the case docketed and tried, and the process shall be made by the clerk to so indicate. By consent, parties may have their case tried at either place. And when in any such county there is a city of the second class, which city has an official newspaper, then all advertisements, notices, steps and proceedings in causes in such court of which publication is required by law, or by rule of such court, or of which publication is ordered or directed by the court or judge thereof to be made, shall be published in such official newspaper, but at not greater than the regular advertising rates. That in counties where circuit courts hold sessions in more than one place in the county, juries shall be selected and drawn at each place as now required by law to be selected and drawn for the county. That the circuit courts may from time to time cause such rules as they may adopt to be certified to the Court of Appeals, and when this is done, the Court of Appeals shall take judicial notice thereof, and the same need not be copied into any transcript.

§ 2. That because of the great inconvenience which results from the want of the regulations herein provided for, there is an emergency that this act go into immediate effect, and this act shall go into effect as soon as approved by the Governor.

Approved February 21, 1894.

CHAPTER 12.

A N ACT to amend an act, entitled "An act to provide for the collection and exhibition of the resources and evidences of the progress of the State of Kentucky at the World's Columbian Exposition of one thousand eight hundred and ninety-three."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to provide for the collection and exhibition of the resources and evidences of the progress of the State of Kentucky at the World's Columbian Exposition of one thousand eight hundred and ninety-three," be, and the same is hereby, amended by adding thereto an additional section, as follows: That the Kentucky Board of Managers of the World's Columbian Exposition be, and they are hereby, directed to pay to the President of the "Columbian Clubs of Kentucky" the sum of one thousand and eight dollars and fifteen cents out of the one hundred thousand dollars appropriated by the said act, said sum of one thousand and eight dollars and fifteen cents having been expended in good faith by the Columbian Clubs of Kentucky in showing the evidences of the progress of Kentucky, by fitting up and furnishing what was known as the Kentucky Parlor, in the women's building at Chicago, Illinois.

§ 2. Inasmuch as the said sum of one thousand and eight dollars and fifteen cents has already been expended, and no provision has been made for the payment of said sum to the Columbian Clubs of Kentucky, an emergency exists, and is hereby declared, and this act shall take effect from and after its passage.

[Approved February 22, 1894, for the reason that I do not regard this as an appropriation, but a legislative direction for the application of money already appropriated. It applies it to meet expenses incurred in execution of the purpose of the original bill, of which this is amendatory.]

CHAPTER 13.

AN ACT to amend an act, entitled "An act for the government of cities of the first class," approved July first, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section ninety-eight of an act, entitled "An act for the government of cities of the first class," approved July first, one thousand eight hundred and ninety-three, be, and the same is hereby, repealed, and in lieu thereof the following section is enacted:

§ 98. The wharves and landings shall be under the care and control of the sinking fund commissioners, who shall fix and receive reasonable charges to be paid for the use of the same. They shall keep the said wharves and landings in order, and shall employ and fix the compensation of all persons employed in connection with the care and control of the same. Said wharves and landings shall be under the immediate care and control of a wharf-master, elected by said sinking fund commissioners, who shall prescribe his duties and fix his compensation, which shall not exceed two thousand five hundred dollars per annum. The present wharf-master shall hold his office during the term for which he was elected, and at the expiration of his term, and every four years thereafter, a wharf-master shall be elected. Said commissioners shall have power to fill any vacancy occurring in said office. The said commissioners shall have power to lease and receive the rentals from any portion of the wharf property not needed for wharf purposes for the time being, but all leases shall provide for their cancellation whenever the property leased is, in the judgment of the commissioners, required for wharf purposes.

§ 2. That section two hundred and twenty-four of said act be amended so as to read as amended :

§ 224. *First.* The sinking fund to pay the bonded debt of the city is hereby continued as now established by law. Whenever it is apparent to the board of commissioners of the sinking fund of any city of the first class that the revenue and available assets of said sinking fund will be insufficient to pay, when due, any future maturing bonds of said city then issued and chargeable to said sinking fund, without unduly impairing the assets of the sinking fund, and the said commissioners of the sinking fund shall certify this fact to the general council of said city, it shall be lawful for said general council, at any time thereafter, to provide, by ordinance, for the refunding of said bonds by the issue of other bonds of said city, bearing such rate of interest and payable at such time and place as may be prescribed by the ordinance, and cause the same to be delivered to the commissioners of the sinking fund, to be by them sold or exchanged, as they may deem most expedient, in order to retire the bonds which it is necessary to refund. The certificate of the commissioners of the sinking fund as to the inability of the sinking fund to pay, when due, any future maturing bonds out of its revenue and available assets, shall be conclusive evidence of the facts recited in said certificate.

Second. The board of commissioners of the sinking fund of cities of the first class shall have power, whenever they deem it necessary and expedient to do so, to borrow money to pay liabilities of the sinking fund, when the same can not be paid at maturity out of the current income of the sinking fund, and may pledge the securities of the sinking fund to secure the repayment of any money so borrowed : *Provided, however,* They shall not at any time borrow a greater sum than, in their judgement, can be repaid out of the current income of the sinking fund during the year in which the money is borrowed.

Third. Said commissioners shall elect and appoint all officers and employes of said sinking fund, and shall prescribe their duties and fix their compensation; and all officers and employes of said sinking fund, except the president, vice-president, secretary and treasurer, and wharf-master, shall hold their offices at the pleasure of the board. The terms of office of the president, vice-president, secretary and treasurer shall remain as now fixed by law.

Fourth. Said commissioners may prescribe and enforce such by-laws, not contrary to law, as they may deem necessary for the proper conduct of the business and affairs of said sinking fund, and may alter the same at pleasure. Such by-laws may provide for deductions to be made from the compensation of the officers and employes of the sinking fund for neglect of duty or violation of the by-laws.

Fifth. The cash funds of the sinking fund shall be kept deposited in bank as now required by law, and shall be withdrawn therefrom under such rules and regulations as the commissioners may prescribe by the by-laws.

§ 3. All laws inconsistent with this act are hereby repealed.

§ 4. Whereas, doubts exist as to the extent of the authority and right of the sinking fund commissioners with respect to the wharves and landings of said cities, and it may be necessary for the cities of the first class to refund some of their outstanding bonds before this act would otherwise be in force, an emergency is declared to exist, and this act shall take effect on the approval of the Governor.

Approved February 24, 1894.

CHAPTER 14.

AN ACT making eligible to the office of sheriff persons filling the office of sheriff on or before January first, one thousand eight hundred and ninety-four, and who failed to execute bond and take the oath of office on or before said date, and extending the time for such persons to execute bond and take the oath of office to March fifteenth, one thousand eight hundred and ninety-four.

WHEREAS, There has resulted some confusion from the adoption of a new code of laws under our present Constitution ; and whereas, some persons holding the office of sheriff before January first, one thousand eight hundred and ninety-four, failed, from misapprehension of the law, from oversight or other cause, to renew their bond and take the oath of office on or before January first, one thousand eight hundred and ninety-four, pursuant to the provisions of the present law,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That all persons holding the office of sheriff during the year one thousand eight hundred and ninety-three, who failed to renew their bond and take the oath of office on or before January first, one thousand eight hundred and ninety-four, shall be eligible to hold said office, and shall not be disqualified therefor by their said failure ; and such persons are hereby authorized to execute the bond required of sheriffs and take the oath of office on or before March fifteenth, one thousand eight hundred and ninety-four ; and from the time of execution of such bond and taking the oath of office, such persons shall be the sheriffs of their respective counties, and their acts as such shall be as valid and binding as if they executed bond and took the oath of office on or before January first, one thousand eight hundred and ninety-four.

§ 2. Whereas, some persons holding the office of

sheriff in their respective counties in the year one thousand eight hundred and ninety-three failed to execute bond and take the oath of office on or before January first, one thousand eight hundred and ninety-four, but did so soon after, and some confusion would result from their disqualification, an emergency is hereby declared to exist, and this act shall take effect when approved by the Governor.

Approved February 24, 1894.

CHAPTER 15.

AN ACT to amend an act, entitled "An act to provide for an efficient system of common schools throughout the State," approved July sixth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section one hundred and twenty, article ten, chapter two hundred and sixty, of the Acts of one thousand eight hundred and ninety-one-ninety-two-ninety-three, page one thousand four hundred and thirteen, approved July sixth, one thousand eight hundred and ninety-three, entitled "An act to provide for an efficient system of common schools throughout the State," be, and the same is hereby, amended by adding after the word "property," in second line of said section one hundred and twenty, page one thousand four hundred and seventy-one, of said Acts, these words: "The county court and board of trustees of said seminary consenting," so that said section, when amended, will read as follows:

"§ 120. The title to all common school and all county seminary property, the county court and the board of trustees of said seminary consenting, in the limits of any graded common school district organized under the provisions of this law, shall be, and the same is hereby, vested in the board of trustees of

said graded common school district, and they are hereby empowered to sell and convey the same, or to use the same for graded common school purposes, as to them shall seem best; but when county seminary property shall be appropriated, all pupils of the county shall be permitted to attend such school at such reduced tuition from what is ordinary as shall be equitable and make good to them their interest in said seminary property. It is further provided, that when any graded school district shall embrace any school property owned or held in trust by trustees, said trustees, by a majority of their board, are hereby authorized and empowered to convey their school property to the trustees of the graded school, at such price and on such conditions as may be agreed upon by the trustees of both parties."

Approved February 24, 1894.

CHAPTER 16.

AN ACT to amend and re-enact section four of article eight of chapter sixty-five of the Acts of one thousand eight hundred and ninety-one-ninety-two-ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section four of article eight of chapter sixty-five of the Acts of one thousand eight hundred and ninety-one-ninety-two-ninety-three, be, and the same is hereby, amended so as to read as follows:

§ 4. The judge of the county court, and two justices of the peace residing nearest to the court-house in each county, shall be a board, with like powers as those named in the last section, for determining the contested election of any officer elective by the voters of the county, or any district therein, except members of the General Assembly; and also of any police judge, clerk, marshal, or other elective municipal officer, where there is no other provision of law for

determining the contested election of such municipal officers. If any of said persons are absent from the county, or can not properly act, then said board shall be filled by adding thereto, first, the county court clerk, then the justice of the peace who resides next nearest to the court-house, and so on, excluding such as can not properly act, till the board is full. If either party shall make affidavit and file the same with a county board, that such party verily believes that either or both of said justices will not give a fair and impartial trial, then the board shall be filled by other justices in lieu of those thus objected to.

One. The board shall be governed by the rules named in the first and third sections, where the same are applicable to its duties.

Two. The decision of the board shall be given in writing, and signed in triplicate, one copy to be entered on the minutes of the court, another handed to the successful party, and the other, when necessary for obtaining a commission, forwarded by mail to the Secretary of State.

Three. When the decision so requires, the court shall immediately issue a writ for a new election, as provided in section three of article seven of this chapter.

Approved February 24, 1894.

CHAPTER 17.

AN ACT to amend an act, entitled "An act for the government of cities of the fifth class," approved July third, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section thirty-four, article four, chapter two hundred and fifty, of an act for the government of cities of the fifth class, which reads as follows: "All

property subject to taxation shall be assessed as of the fifteenth day of September of each year, and it shall be the duty of the assessor between the fifteenth day of September and the fifteenth day of November of each year to make out a true list of all the taxable property within the city. The mode of making out said list, and the proceedings relating thereto, shall be in conformity with laws now in force regulating county assessors, except as the same may be otherwise provided in this chapter, or by ordinance. Said list shall prescribe the property assessed and the value thereof, and shall contain all other matters required to be stated in such lists by county assessors. Said assessor shall verify this list by his oath, and shall deposit the same with the city clerk on or before the first Monday of December in each year. The assessor shall, during such time, make a list of all persons residing within the city, and shall verify the said list by his oath, and shall, on or before the first Monday in December in each year, deposit the same with the city clerk. Said assessor and his deputy shall have power to administer all oaths and affirmations necessary in the performance of his duties," be amended by adding to said section the following words: *Provided, however,* That if from any cause no assessment of the property for taxation as provided for herein has been made between the fifteenth day of September and the fifteenth day of November, one thousand eight hundred and ninety-three, as herein required, then the city council may cause said assessment and the list thereof to be made and deposited with the city clerk by the assessor between the fifteenth day of February and the fifteenth day of April, one thousand eight hundred and ninety-four, and may appoint a board of equalization, as provided for in section twenty-nine of this chapter, to meet on the fourth Monday in April, one thousand eight hundred and ninety-four, whose powers and duties in correcting, modifying and changing the returns of the assessor, or raising any assessment, shall

be the same as is prescribed for such board in section twenty-nine of this chapter ;" be, and the same is hereby, amended so that said section, as amended, will read as follows :

§ 34. All property subject to taxation shall be assessed as of the fifteenth day of September of each year, and it shall be the duty of the assessor, between the fifteenth day of September and the fifteenth day of November of each year, to make out a true list of all the taxable property within the city. The mode of making out said list, and the proceedings relating thereto, shall be in conformity with laws now in force regulating the duties of county assessor, except as the same may be otherwise provided in this chapter or by ordinance. Said list shall describe the property assessed, the value thereof, and shall contain all other matters required to be stated in such lists by the county assessor. Said assessor shall verify his list by his oath, and shall deposit the same with the city clerk on or before the first Monday in December in each year. The assessor shall, during such time, make a list of all persons residing within the city, and shall verify said list by his oath, and shall, on or before the first Monday in December in each year, deposit the same with the city clerk. Said assessor and his deputy shall have power to administer all oaths and affirmations necessary in the performance of his duties : *Provided, however,* That if, from any cause, no assessment of the property for taxation as provided for herein has been made between the fifteenth day of September and the fifteenth day of November, one thousand eight hundred and ninety-three, as herein required, then the city council may cause said assessment and list thereof to be made and deposited with the city clerk by the assessor between the fifteenth day of February and the fifteenth day of April, one thousand eight hundred and ninety-four ; and may appoint a board of equalization, as provided for in section twenty-nine of this chapter, to meet on the fourth Monday in April, one

thousand eight hundred and ninety-four, whose powers and duties in correcting, modifying and changing the returns of the assessor, or raising any assessment, shall be the same as is prescribed for such board in section twenty-nine of this chapter.

§ 2. Whereas, the assessment provided for in this act must be made before the fourth day of April, one thousand eight hundred and ninety-four; and whereas, without an emergency clause said act may not be in force and effect at the time said assessment provided for herein is to be made; therefore, an emergency is hereby declared to exist, and this act shall take effect from and after its approval by the Governor.

Approved February 24, 1894.

CHAPTER 18.

AN ACT to amend section three, article five, of an act, entitled "An act to regulate elections in this Commonwealth," approved June thirtieth, one thousand eight hundred and ninety-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section three, article five, of an act, entitled "An act to regulate elections in this Commonwealth," approved June thirtieth, one thousand eight hundred and ninety-two, be amended by striking out of said section the word, to wit: "First," and inserting in lieu thereof the word "second," so that said section, when thus amended, will read as follows:

§ 3. Where two or more counties vote together in the choice of a Representative or Senator, the canvassing board of election of the respective counties shall make duplicate written certificates over their signatures of the number of votes given in the counties for such Representative or Senator, one copy to be retained in the clerk's office of such county, and the other to be sent immediately by mail by said

board to the canvassing board of the county in such district having the largest population, which last-named board shall, between ten and twelve o'clock in the morning of the second Monday after the election, meet in the clerk's office of their county, compare the certificates of the canvassing boards of the several counties, and therefrom give triplicate certificates of election, in writing, over their signatures, of the persons who appear to have received the largest number of votes, one copy of the certificate to be retained in the clerk's office, another delivered to the person elected, and the other forwarded to the Secretary of State at the seat of government.

Approved February 24, 1894.

CHAPTER 19.

AN ACT for the protection of vagrant and destitute or maltreated children actually or apparently under sixteen years of age.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any child actually or apparently under sixteen years of age who is found—first, publicly begging or receiving, or soliciting alms in any manner, or under false pretense; or second, not having any home or other place of abode, or who has been abandoned, or habitually treated with cruelty or neglect by its parents or other persons having it in charge, or who is in a state of want or of suffering caused by being willfully deprived of the necessities of life; or third, destitute of the means of support, being an orphan or living with or in custody of parent or guardian who is habitually idle and dissolute in habit, and without visible means of support, or who has been convicted of a crime against the person of such child; or fourth, coming within any of the descriptions of children mentioned in section two of this act, may, upon

proper affidavit and warrant, be arrested and brought before a court or magistrate having jurisdiction, as a vagrant or destitute child. Such court or magistrate may commit the child to any charitable reformatory, or other institution authorized to take charge of minors, or may make any disposition of the child such as now is or hereafter may be authorized in cases of paupers: *Provided, however,* As far as practicable, the wishes of the parent or statutory guardian of said minor may be gratified in selecting the charitable reformatory, or other institution for such infants as are described herein, and as to the religious denomination of such charitable reformatory or institution. The parent, guardian, custodian or controller, if he or she can be found within a reasonable time, shall be notified by rule, subpoena or other process, of the proceedings provided for herein; but a failure to give such notice shall not deprive a court of jurisdiction in the premises. No commitment of a child which shall recite therein the facts upon which it is based shall be deemed invalid by reason of any neglect or omission of the court, by which such commitment is made, to file documents, papers or proceedings relative thereto, but the clerk of said court shall, in a separate book, styled "Infant Vagrants," keep a duly-indexed record, showing as far as possible the name, age, sex, residence, nationality, denomination, parentage and condition of said infants, and the institution to which they are sent.

§ 2. A person who, for gain or reward, employs or causes to be employed, or who exhibits, uses, or who has in his custody for the purpose of exhibiting or employing any child actually or apparently under the age of sixteen years, or any person who, having the care, custody, or control of such child, as parent, relative, guardian, employer, or otherwise sells, lets out, gives way, or in any way procures or consents for gain or reward to the employment or exhibition of such child, either, first, in begging or receiving alms,

or in any mendicant occupation ; second, or (being a female) in peddling or in any wandering occupation ; third, or male or female in any indecent or immoral occupation or practice, or in the exhibition of any such child when insane or idiotic ; or, fourth, in any practice or exhibition of unusual danger to the life, limb, health, or morals of the child, is guilty of a misdemeanor, and shall, for the first offense, be fined not more than twenty dollars, or confined in the county jail or work-house, in counties having a work-house, not more than ninety days, or both so fined and confined within the discretion of the court ; and, upon conviction for a second, or any subsequent offense, shall be fined in any sum not exceeding one hundred dollars, or imprisoned in the penitentiary for a term not exceeding one year, or both so fined and confined within the discretion of the jury.

§ 3. Any person who shall willfully and unnecessarily expose to the inclemency of the weather, or shall in any other manner willfully and unmercifully injure in health or limb any child actually or apparently under the age of sixteen years, shall be fined not exceeding five hundred dollars, or imprisoned in the county jail or work-house, in counties having a work-house, not more than one year, or both so fined and imprisoned in the discretion of the jury.

§ 4. Whoever willfully and unreasonably neglects to provide for the support of his or her minor child who is actually or apparently under the age of fourteen years, shall be punished by fine not exceeding twenty dollars, or by imprisonment in the county jail or work-house, in counties having a work-house, not exceeding six months.

§ 5. A parent or other person having the care or custody, for nurture or education, of a child under six years of age, who willfully deserts the child in a manner showing a reckless disregard to life or health, and with the intention wholly to abandon it, is punish-

able by imprisonment in the penitentiary for not more than three years.

§ 6. The police officer and constable must, and any agent or officer of an incorporated society for the prevention of cruelty to children or animals or charity organization, may, upon proper affidavit and warrant, arrest and bring before the court or magistrate having jurisdiction, any person offending against any of the provisions of this act, or any minor coming within any of the descriptions of children mentioned in this act. Such police officer, constable or agent may interfere to prevent the perpetration in his presence of any act forbidden by this act. Any person who obstructs or interferes with any officer or agent of such society or organization in the exercise of his authority under this act, is guilty of a misdemeanor, and shall be fined not more than twenty dollars, or be confined in the county jail or work-house, in counties having a work-house, not more than ninety days, or both so fined and confined within the discretion of the court. All fines, penalties and forfeitures imposed or collected for a violation of the provisions of this act, or of any act relating to, or affecting children, now in force or hereafter passed, must be paid on demand to the incorporated society for the prevention of cruelty, or charitable organization, in every case where the prosecution shall be instituted or conducted by such a society or organization, the same to be used only for expenses incurred in prosecutions for violations of this act.

§ 7. The commissioned agents of any society for the prevention of cruelty to children or animals, or of any charity organization, shall have the same rights, powers and duties as regular policemen and other peace officers, for the enforcement of the provisions of this act.

Approved February 24, 1894.

CHAPTER 20.

AN ACT to amend an act, entitled "An act for the government of cities of the first class," approved July first, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section one hundred and forty-six of an act approved July first, one thousand eight hundred and ninety-three, entitled "An act for the government of cities of the first class," be amended by striking out all of said section following the word "provided," in the sixteenth line of said section, and inserting in lieu of the words so stricken out the words: "That when such prosecuting attorney shall be prevented by sickness from discharging the duties of his office, the compensation of the prosecuting attorney *pro tem.* shall not be deducted from the salary of the regular prosecuting attorney: *And provided further,* That such prosecuting attorney shall be allowed sixty days' vacation in each year, and during such vacation the compensation of the prosecuting attorney *pro tem.* shall not be deducted from the salary of the regular prosecuting attorney," so that said section one hundred and forty-six, when so amended, shall read as follows: When said attorney fails to attend or to prosecute the parties brought before him, the judge shall, from the members of the bar, appoint one to serve as prosecuting attorney *pro tem.*, and the person so appointed shall take the oath of office prescribed for the regular prosecuting attorney, and for his services the prosecuting attorney *pro tem.* shall receive such part of the salary of the regular prosecuting attorney as the judge, on motion, after due notice to the prosecuting attorney, may summarily decide to be fair and reasonable; but the compensation allowed the prosecuting attorney *pro tem.* shall not be estimated at a greater rate than that allowed the regular

prosecuting attorney. The amount so paid the prosecuting attorney *pro tem.* shall be deducted from the salary of the regular prosecuting attorney: *Provided*, That when such prosecuting attorney shall be prevented by sickness from discharging the duties of his office, the compensation of the prosecuting attorney *pro tem.* shall not be deducted from the salary of the regular prosecuting attorney: *And provided further*, That such prosecuting attorney shall be allowed sixty days' vacation in each year, and during such vacation the compensation of the prosecuting attorney *pro tem.* shall not be deducted from the salary of the regular prosecuting attorney.

Approved February 24, 1894.

CHAPTER 21.

AN ACT to punish the violation and evasion of the laws of this Commonwealth in relation to the regulation of the sale of spirituous, vinous or malt liquors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No trick, device, subterfuge or pretense shall be allowed to evade the operation or defeat the policy of the law against selling spirituous, vinous or malt liquors without license, or in violation or evasion of any local option laws prevailing in any county, town, city, precinct or municipality of this Commonwealth.

§ 2. A conviction for the offense of selling spirituous, vinous or malt liquors without license so to do, or for selling same in any county, town, city, precinct or municipality of this Commonwealth where local option laws prevail, may be sustained against the person in possession of the premises on which said liquor is obtained, furnished or disposed of in violation or evasion of law, if the following facts appear: A house, room, inclosure or other place where spirituous, vinous or malt liquors is furnished or obtained

in violation or evasion of law, or where some device is used to dispose of, furnish or obtain such liquor in violation or evasion of law.

§ 3. The person in possession of the premises on which liquor is sold, disposed of, obtained or furnished in violation or evasion of law, by any trick or method whatever, on conviction, shall be fined not less than twenty nor more than one hundred dollars for each offense, and each time such liquor is sold, disposed of or furnished in violation or evasion of law shall be deemed a separate offense under this act against the person in possession of the premises on which said liquor is obtained, furnished or disposed of.

Approved February 24, 1894.

CHAPTER 22.

AN ACT authorizing and directing the State Librarian to purchase and furnish Barbour's Digest and Kentucky Reports to certain offices of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Librarian be, and is hereby, authorized and directed to purchase and furnish the offices of the county judge, circuit clerk and county clerk each a copy of Barbour's Digest and a set each of the Kentucky Reports, in any county in this Commonwealth wherein said offices and books have been destroyed by fire; and the Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasury, payable to the Librarian, for a sum sufficient to enable said Librarian to carry out the provisions of this act, said books to be furnished on the order of the county judge of said county, showing that such books of his county have been destroyed by fire.

§ 2. Whereas, an emergency exists, and this act shall take effect from its approval by the Governor.

Approved February 24, 1894.

CHAPTER 23.

AN ACT to amend an act, entitled "An act concerning the office of constable," which became a law April fifteenth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section two of article one of chapter one hundred and eighty four of Session Acts one thousand eight hundred and ninety-one-two-three, entitled "An act concerning the office of constable," which became a law without the approval of the Governor April fifteen, one thousand eight hundred and ninety-three, be, and the same is hereby, amended by adding to said section the following words: "But such deputy constables must be residents of the same districts wherein reside the constable by whom the same are appointed," so that said section, as amended, will read in full as follows:

§ 2. A constable may appoint one or more deputies, by and with the consent of the county judge, who shall have all the powers of constables, and the constable and his sureties shall be liable on his bond for all the acts and omissions of his deputies; but such deputy constables must be residents of the same districts wherein reside the constable by whom the same are appointed.

Approved February 24, 1894.

CHAPTER 24.

AN ACT to amend chapter two hundred and thirty-two of the Session Acts of one thousand eight hundred and ninety-one-ninety-two-ninety-three, entitled "An act relating to roads and passways."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section one, of article two, of chapter two hundred and thirty-two, of Session Acts of one

thousand eight hundred and ninety-one-ninety-two-ninety-three, be amended as follows: insert after the word "warehouse," in line five, the words "a regular steam-boat landing," so that said section, when amended, will read as follows:

§ 1. Whenever it shall appear to a county court that it is necessary for a citizen to have a private passway over the land of one or more persons in the county, to enable him to attend courts, elections, a meeting-house, a mill, a warehouse, a regular steam-boat landing, ferry or railroad depot, most convenient to his residence, the court shall appoint commissioners as in case of a road, who, being first sworn to discharge their duties faithfully and impartially, shall go upon the lands of the person through which the passway is proposed, whether arable or not, and shall report, in writing, to the court whether or not a private passway is necessary to the applicant for the purposes aforesaid; and if favorable to the passway, they shall, in their report, designate the exact route for the same by metes and bounds, course and distance, and the width thereof, which, in no case, shall exceed twenty feet, and they shall determine and assess what will be just compensation to each owner and tenant, if any, for the land proposed to be taken for a passway, in the same manner as upon an application to open and establish a new road.

Approved February 24, 1894.

CHAPTER 25.

AN ACT to amend an act, entitled "An act for the government of cities of the first class," approved July first, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section one hundred and fifty-two of an act, entitled "An act for the government of cities of the

first class," be, and the same is hereby, amended by striking out the whole of said section and inserting in lieu thereof the following: "The bailiff shall be assisted in the performance of his duty by two assistants to be appointed by him. The bailiff and his assistants shall receive no fees, but shall receive such salaries as may be allowed by ordinance."

Approved February 24, 1894.

CHAPTER 26.

AN ACT to repeal an act, entitled "An act to regulate the laying out and working public roads in Clinton county," approved March twenty-fourth, one thousand eight hundred and eighty-two; also to repeal the act amendatory thereto, approved March twenty-sixth, one thousand eight hundred and eighty-four.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act to regulate the working and laying out public roads in Clinton county, approved March twenty-fourth, one thousand eight hundred and eighty-two, and the act amendatory thereto, approved March twenty-sixth, one thousand eight hundred and eighty-four, be, and the same are hereby, repealed, and declared to be null and void.

Approved February 24, 1894.

CHAPTER 27.

AN ACT to promote the study of medicine and surgery in the Commonwealth of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be lawful for the professor of any medical college or school which is or may be incorporated under the laws of this State, and which has executed bond as herein required, to procure the unclaimed body

Medical colleges
to give bond be-
fore receiving
bodies.

of any person dying in this State, for the purpose of being dissected and examined by the professors and students of such college, for the advancement of science, as hereinafter provided.

§ 2. It shall be the duty of any superintendent, warden, coroner, or other person having in his possession the dead body of any person which may be unclaimed, to notify the relatives or friends of the deceased person (if they are known) of the death of the person and place where the body is; and on the failure of such deceased person's relatives or friends, within three days, to claim and bury the body, it shall be the duty of such officers or other persons, on the demand of a professor of any medical college or school, as herein contemplated, to deliver the body to such professor, who shall at once cause such body to be embalmed, and shall preserve the same for thirty days before dissecting it. During said thirty days it shall be the duty of such college, or the professor thereof, to deliver the body, without any charge, to the friends or relatives of the deceased who may demand it for interment.

When may dis-
sect.

§ 3. If such body be not claimed for interment during said thirty days, it shall be lawful for the professors or students of the college, after the expiration of thirty days, to examine or dissect such body.

Burial.

§ 4. After such body has been dissected as herein contemplated it shall be decently buried at the expense of the professor to whom the body was delivered, or of the college represented by him.

Bond.

§ 5. No school, college or professor thereof shall be entitled or permitted to receive any such body until a bond shall have been given in the penal sum of one thousand dollars by such college, with good personal security, to be approved by the clerk of the county court in and for the county in which such college or school may be situated, conditioned for the faithful disposition of all dead bodies which may come into the possession of such college, or any professor there

of, as required by law. The bond shall be filed in ^{File in clerk's office.} such clerk's office, and therein safely kept. Said bond shall be renewed every twelve months, and as a fee for taking and approving such bond, the clerk shall be entitled to a fee of one dollar.

§ 6. It shall be unlawful for any such body to be ^{Shall not sell body outside of State.} used for any other purpose than the promotion of science in the college represented by the professor claiming it; nor shall any such body be sold or removed from this State.

§ 7. It shall be the duty of the college receiving the ^{Record to be kept.} body to keep a record thereof, in a book to be kept for that purpose at the college, and which shall, at all times, be subject to inspection by any officer of the State or county, or relative or friend of any deceased person whose body it is supposed may have been delivered to or be in possession of such college. The record shall show the name, if known, age, sex, date and cause of death, and final place of interment, and the date when the body came into the possession of the college and date of interment, together with any distinguishing marks by which the body may be identified.

§ 8. Upon the failure to comply with the provisions ^{Penalty.} of this chapter in any respect, on the part of the college or any professor thereof, there shall attach a liability of not less than one hundred dollars nor more than one thousand dollars, on the last bond which may have been executed as herein provided, for each violation of this law, which may be recovered by action in the name of the Commonwealth, and which action shall be prosecuted by the Commonwealth's attorney of the district in which such college may be situated.

Approved February 24, 1894.

CHAPTER 28.

AN ACT to protect game and small birds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Dates unlawful
to kill deer.

§ 1. It shall be unlawful for any person within this State to catch, kill, or pursue with such intent, any buck, doe or fawn, or have the same in possession after it has been caught or killed, between the first day of March and the first day of September in each year.

Squirrels.

§ 2. No person shall catch, kill, or pursue with such intent, or have the same in possession after it has been caught or killed, any black, grey or fox squirrel, between the first day of February and the fifteenth day of June in each year: *Provided*, Grey squirrels may be killed for protection of crops.

Wild goose or
duck.

§ 3. No person shall catch or kill, or pursue with such intent, or have the same in possession after it has been caught or killed, any wild goose, wood-duck, teal or other wild duck, between the first day of April and the fifteenth day of August in each year.

Wild turkey.

§ 4. No person shall catch, kill, or pursue with such intent, or have the same in possession after it has been caught or killed, any wild turkey, between the first day of February and the first day of September in each year.

Woodcock.

§ 5. No person shall catch, kill, or pursue with such intent, or have the same in their possession after it has been caught or killed, any woodcock, between the first day of February and the twentieth day of June in each year.

Quail or par-
tridge.

§ 6. No person shall catch, kill, or pursue with such intent, or have the same in possession after it has been caught or killed, any quail, partridge or pheasant between the first day of January and the fifteenth day of November in each year.

§ 7. No person shall catch, kill, or pursue with such

intent, or have in possession after it has been caught ^{Dove.} or killed, any dove, between the first day of February and the first day of August in each year.

§ 8. No person shall at any time catch, kill, or pur-^{Thrush, &c.} sue with such intent, or have in their possession after the same has been caught or killed, any thrush, meadow-lark, finch, martin, swallow, woodpecker, flicker, oriole, red bird, tanager, cat-bird, blue-bird or other song or insectivorous bird, except where the same shall be destructive to the fruit or grain crops.

§ 9. No person shall at any time catch, kill or take by means of net, trap, box or snare, or have in posses-^{Pheasant.} sion after having been so caught, killed or taken, any quail, partridge or pheasant.

§ 10. No person shall rob or destroy the nests or ^{Bird's nests.} eggs of any wild bird whatsoever, save only those of a predatory nature, and destructive of other birds or fowls.

§ 11. Any person guilty of violating any of the ^{Penalty.} provisions of either of the preceding sections shall be fined for each offense not less than five nor more than twenty-five dollars.

§ 12. The possession of any of the animals or birds ^{Evidence.} intended to be protected by this law within the periods for which their killing or pursuit is hereby prohibited shall be *prima facie* evidence that the said animal or bird was unlawfully caught or killed, and the possession thereof unlawful.

§ 13. Any person exposing for sale any of the ani-^{Sale of.} mals or birds intended to be protected by this law within the periods for which the taking or killing thereof is hereby prohibited shall, for each animal or bird so exposed for sale, be subject to the same penalty as herein provided for the unlawful killing or taking of such animal or bird.

§ 14. The unlawful killing, catching or possession of ^{Separate offense.} each and every one of the animals or birds intended to be protected by this law shall constitute a separate and distinct offense, and shall be punished accordingly,

and two or more offenses may be joined in the same warrant or indictment therefor ; and the person so offending, if convicted, shall be fined for each offense, and fifty per centum of said fine shall be paid to the informer.

§ 15. Any county judge, justice of the peace, or police or other magistrate, upon receiving sufficient proof by affidavits that any of the provisions of this chapter have been violated by any person being temporarily within his jurisdiction, but not residing therein permanently, or by any person whose name or residence is unknown, is hereby authorized and required to issue his warrant for the arrest of such person, and cause him to be held to bail to answer the charges against him ; and any such justice or magistrate, upon receiving proof or having reasonable grounds to believe that any game mentioned in this chapter is concealed during any of the periods for which the possession thereof is prohibited, shall issue his search-warrant, and cause search to be made in any house, market-boat, box, package, car or other place, and shall cause the arrest and trial of any person in whose possession such game is found.

§ 16. It is hereby made the duty of the several mayors of the several cities and towns within the Commonwealth to require their respective police or constabulary force, and it is hereby made their duty, as well as the duty of all market-masters or clerks of markets of any cities or towns, to diligently search out and arrest or have arrested, as for a misdemeanor, all persons violating the provisions of this chapter by having any game mentioned herein unlawfully in their possession, or offering the same for sale during any of the periods during which the killing of such game is prohibited. And any officer whose duty be to enforce the provisions of this chapter, who shall fail or refuse, upon sufficient information, to discharge the duties imposed upon him by this chapter, shall be held guilty of misfeasance in office, and shall, on conviction there-

Officers authorized to try cases.

of, be punished by fine not less than twenty nor more than fifty dollars for each offense. Any act conflicting or inconsistent with this act or amendment is hereby repealed.

Approved February 27, 1891.

CHAPTER 29.

AN ACT to amend an act, entitled "An act creating and regulating the office of county treasurer," Session Acts one thousand eight hundred and ninety-one-ninety-two-ninety-three, which became a law February twenty-seventh, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter one hundred and fifty-three, Session Acts one thousand eight hundred and ninety-one-ninety-two-ninety-three, section two, line twenty-two, be amended by striking out the word "thirty," and insert the word "twenty-five," so that said section will read as follows: Said officers shall be appointed by the fiscal court of the county. Said appointment to be made on the first day of the regular April term, one thousand eight hundred and ninety-three of said court held for the county, and on said day every two years thereafter, a majority of said court being present, and a majority of all the members of said court shall be necessary to appoint; if, for any cause, said appointment is not made on that day, it shall be the duty of the county judge to call the members of said court together for that purpose, on a day to be fixed by order entered of record on the order-book of the court, not exceeding two weeks thereafter. If, however, the regular term of court has expired on the day fixed, the county judge shall hold a special term of the fiscal court for the appointment of said treasurer. Copies of the order shall be delivered by the county clerk to the sheriff, who shall serve the same on each member of the court. No person shall be appointed

See pages 522-
523, Acts
1891-2-3.

county treasurer unless, at the time of his appointment, he is a citizen of Kentucky, has attained the age of twenty-five years, and has been for four years next preceding his appointment a resident of the county for which he is chosen. But no member of the fiscal court shall be appointed county treasurer. He shall hold his office for the term of two years from the first day of the regular April term of the fiscal court at which he is appointed, and until his successor is appointed and qualified. Before entering upon his duties as such treasurer, he shall take the oath of office prescribed by section two hundred and twenty-eight of the Constitution, before the fiscal court, and execute the bond hereinafter required to be executed by him. The fiscal court may remove said officer from office at any time for cause. In case of a vacancy in said office, from any cause whatever, it shall be the duty of the county judge to call the members of the fiscal court together, and hold a special term thereof to fill the vacancy. In case of a failure or refusal of the county judge to perform any of the duties herein required of him, he shall be guilty of a misdemeanor, and, on conviction, shall be fined not exceeding one-hundred dollars; and on said failure or refusal of the county judge, any three of the members of said court may convene the court, elect one of their body to preside, and appoint a treasurer in the manner herein provided.

Approved February 27, 1894

CHAPTER 30.

AN ACT to amend an act providing for the creation and regulation of private corporations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section forty-six of an act providing for the creation and regulation of private corporations,

which became a law April fifth, one thousand eight hundred and ninety-three, the Governor not having signed nor returned the same to the House in which it originated within the time prescribed by the Constitution, be, and the same is hereby, amended as follows, to wit:

§ 2. That in line fifth of said section the word "ten" be stricken out, and in lieu thereof the word "twenty" be substituted; and in line twenty-first of said section the word "twenty" be stricken out, and in lieu thereof the word "thirty" be substituted. The said forty-sixth section will then read as follows: No bank shall permit any of its stockholders, or any person, company or firm, including in the liability of the company or firm the liability of the individual members thereof, directly or indirectly, to become indebted to it in a sum exceeding twenty per cent. of its capital stock actually paid in, and its actual amount of surplus, unless such borrower pledge with it good collateral security, or execute to it a mortgage upon real or personal estate, which, at the time, is of more than the cash value of such loan or indebtedness above all other incumbrances; and if the borrower is a director or officer of such bank, he shall not be permitted to become indebted to it in excess of ten per cent. of its paid-up capital stock, without securing the excess by the mortgage or pledge of real or personal property double in value the amount of such excess; and in no event shall the indebtedness of any person, company or firm, including in the liability of the company or firm the liability of the individual members thereof, exceed thirty per cent. of its paid-up capital and actual surplus.

Approved February 26, 1894.

CHAPTER 31.

AN ACT to amend an act, entitled "An act fixing the time and terms of the circuit courts composing the several judicial districts of this Commonwealth," approved December twenty-second, one thousand eight hundred and ninety-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section eight of said act, entitled "An act fixing the time and terms of the circuit courts composing the several judicial districts of this Commonwealth," approved December twenty-second, one thousand eight hundred and ninety-two, is hereby repealed and stricken out, and the following is inserted in lieu thereof, namely :

§ 8. Eighth district—In Warren county, at Bowling Green, on the first Monday in January, and continue thirty juridical days ; on the fourth Monday in April, and continue twenty-four juridical days, and on the fourth Monday in August in each year, and continue thirty-six juridical days, if the business of the court shall require it. In Allen county, at Scottsville, on the Second Monday in February, and continue twelve juridical days ; on the fourth Monday in May, and continue twelve juridical days, and on the third Monday in October, and continue twelve juridical days, in each year, if the business of the court require it. In Edmonson county, at Brownsville, on the second Monday in March, and continue twelve juridical days ; on the second Monday in June, and continue twelve juridical days, and on the first Monday in November, and continue twelve juridical days in each year, if the business of the court require it. In Butler county, at Morgantown, on the first Monday in April, and continue twelve juridical days ; on the fourth Monday in June, and continue twelve juridical days, and on the first Monday in December, and continue eighteen

juridical days in each year, if the business of the court shall require it.

§ 2. Whereas, the public business requires a change in the times of holding the courts in said eighth judicial district, and a change in number of juridical days in some of the counties of said district, an emergency for this act to take effect exists. This act shall take effect and be in force from and after its approval by the Governor.

Approved March 1, 1894.

CHAPTER 32.

AN ACT to amend an act, entitled "An act relating to crimes and punishments," approved April tenth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section thirty-nine, subdivision five, of an act, entitled "An act relating to crimes and punishments," approved April tenth, one thousand eight hundred and ninety-three, be, and the same is hereby, amended by striking out said section thirty nine, and inserting in lieu thereof the following:

§ 39. If any person shall willfully and maliciously shoot at another without wounding, or shoot at or into any railroad passenger coach or steamboat occupied by any employe, passenger or other person or persons, or cast at or into the same a stone or other dangerous or deadly missile, or draw or present a pistol with intent to willfully and maliciously shoot in a railway passenger coach or steamboat occupied by any employe, passenger or other person or persons, or shoot at and wound another with the intention to kill him, so that he does not die thereby, or shall wound a person other than the person shot at, so that he does not die thereby, with a gun or other instrument loaded with leaden bullet or other substance, or shall will-

fully and maliciously cut, strike or stab another with a knife, sword or other deadly weapon, with intention to kill, if the person so stabbed, cut or bruised die not thereby, or shall willfully and maliciously administer poison, or attempt to poison or administer poison to another, if death do not ensue in consequence thereof, he, and any person who aided, counseled or advised or encouraged him, shall be confined in the penitentiary not less than one nor more than five years.

Approved February 26, 1894.

CHAPTER 33.

AN ACT to amend an act, entitled "An act relating to fees," approved June fifteenth, one thousand eight hundred and ninety-three, by amending article one thereof, relating especially to fees of circuit court clerks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That an act, entitled "An act relating to fees," approved June fifteenth, one thousand eight hundred and ninety-three, of the Acts of the General Assembly of Kentucky for the sessions of one thousand eight hundred and ninety-one-ninety-two-ninety-three, be, and the same is hereby, amended by adding thereto, next succeeding section two of article one of said act, the following, which shall be designated as sections three, four, five, six and seven :

§ 3. That the clerks of the various circuit courts of this Commonwealth, other than as hereinafter provided, shall be entitled to, allowed and paid by this Commonwealth, a fee of five dollars for services rendered or performed by them, respectively, for the Commonwealth in all felony cases or prosecutions by indictment for felony in their respective courts, except in such prosecutions in which the defendant may, under a felony indictment, be convicted only of a misdemeanor. The amount herein allowed, to be

paid by warrant of the Auditor of Public Accounts upon State Treasurer, after a verified statement of such services shall have first been made out by the clerk entitled to same, and which original statement shall have been indorsed "Examined and approved" by the regular judge and Commonwealth's attorney of said circuit court, and filed with the Auditor, which in no instance shall be done until the case or prosecution has been taken from the docket of the court. In all cases of conviction for a felony the fee of five dollars herein allowed shall be taxed against the defendant as costs in favor of the Commonwealth.

§ 4. In all prosecutions by indictment for felony, whenever it shall occur that the indictment shall be either quashed or dismissed, with leave granted to resubmit the charge to a grand jury, and a subsequent indictment shall be returned for the same crime, or any degree thereof, consisting of a felony—such prosecution shall be deemed a continuous one for the purposes expressed in this act; but should no indictment be procured or returned upon such resubmission by the grand jury, before the expiration of the next succeeding term after the one reciting the order of resubmission, then the right to claim and have paid such fee shall immediately attach.

§ 5. In all cases or prosecutions for felony had in said several courts, in which a judgment shall be appealed from upon the part of the Commonwealth, the clerk of such court shall be entitled to, allowed and paid by this Commonwealth, and in the same manner stated in section three of this act, the sum of five dollars for his services in making out and certifying transcript for the purpose of such appeal.

§ 6. The provisions of this act shall not extend or apply to any clerk of a court in this Commonwealth whose compensation is now fixed by law at a salary; nor to any clerk whose fees or salary, when added to the fees derived under the provisions of this act, shall

exceed the sum of three thousand dollars after the payment of his deputies or assistants and all the expenses of his office; but if any part of such fees as are herein allowed shall become necessary to equal said sum of three thousand dollars, in connection with the other fees now allowed by law, over and above deputies, assistants or expenses, as above stated, then he shall be entitled to receive same to that extent, nor shall this act be construed to apply to any case or prosecution determined by final judgment previous to the approval of this act, but to such as may then be pending.

§ 7. Whereas, by reason of the vast extent of services required to be performed for the Commonwealth by the several clerks of circuit courts in felony cases, and for which no provision exists for compensation therefor, an emergency is hereby declared to exist for the immediate operation of this act, and the same shall take effect from and upon the date of its approval by the Governor. And no fees shall be received under this act by any clerk of a county having a population of forty thousand or over until he has made to the Auditor the reports required by section fifty-three of an act, entitled "An act relating to fees," approved June fifteenth, one thousand eight hundred and ninety-three.

Approved February 28, 1894.

CHAPTER 34.

AN ACT to amend and re-enact sections one, five and six of an act, entitled "An act for the benefit of graded schools," approved March eighteenth, one thousand eight hundred and ninety-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one, chapter eleven, of the Ac's of one thousand eight hundred and ninety-one-ninety-two-ninety-three, be amended by the following, viz:

§ 1. After the word "buildings," in sixth line, insert the words "grounds, school furniture, apparatus," so that said section one of said chapter eleven, as amended, shall read as follows, namely:

§ 1. That the board of trustees of graded schools maintained by taxation and designed for the education of children residing within certain boundaries, may, in cases where the tax now imposed in such districts is not sufficient to pay for the school buildings, grounds, school furniture, apparatus, and to pay any debts that the trustees of the district have contracted in establishing and furnishing the same, issue the bonds of such districts for an amount sufficient to meet said indebtedness, and impose annually a tax of not exceeding twenty-five cents on each one hundred dollars' worth of property in the district, in addition to the tax now imposed in such districts, to pay the bonds so issued and the interest thereon.

§ 2. That section five of said chapter be amended by omitting, beginning in line three and closing with and including line five, the following, viz: "No bonds shall be issued on account of any indebtedness that had not been contracted at the time of the adoption of the present Constitution," so that said section five, as amended, shall read as follows, namely: "The bonds herein provided for shall be signed by the chairman of the board of trustees of the graded school. No tax collector appointed under the provisions of this act shall commence the discharge of the duties of his office until he has appeared in the county court of the county in which the graded school is situated and taken the oath of office and executed, with good sureties, a bond similar to that prescribed by law for other tax collectors. Before the chairman of the board of trustees shall receive the taxes collected, as provided for by section four, he shall execute in the county court a bond, with good surety, conditioned for his faithful application of the moneys that may come to his hands. If he shall fail or decline to give such

bond, then the sheriff or collector shall hold the taxes collected, subject to be paid out upon the bonds as ordered by the board of trustees. The collecting officer and the chairman of the board of trustees shall settle their accounts with the board on or before the first Monday in January each year, and the board may require them to state their accounts as often as once every three months.

§ 3. That in lieu of section six of said chapter, which is an emergency clause, the following shall be substituted and known as section six, namely: That in the event trustees do not desire to issue bonds, they shall collect the taxes provided for in the previous sections, and apply the same, after paying cost of collecting, to the discharge of the indebtedness, *pro rata*, from year to year, till all the said debts are paid; and if, after making final levy and paying the debts, there is a residue, it shall be turned over to the district treasurer and become common funds of the district. But excepting the residue mentioned in this section, no part of the taxes or proceeds of bonds herein provided for shall be used for any other purpose than paying cost of collecting and the debts contracted by the trustees prior to the time of levying the first year's tax provided for in this chapter.

§ 4. It appearing that there are graded school districts in the Commonwealth that have contracted debts for the payment of which there is no provision, an emergency is therefore declared, and this act shall take effect from its passage.

Approved March 3, 1894.

CHAPTER 35.

AN ACT to amend an act, entitled "An act providing for the creation and regulation of private corporations," which became a law April fifth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section forty-seven of article two of chapter one hundred and seventy-one of an act, entitled "An act for the creation and regulation of private corporations," and which became a law April fifth, one thousand eight hundred and ninety-three, the Governor not having signed or returned same to the House in which it originated within the time prescribed by the Constitution, be amended by striking out the words "one-half," in the fourth line of said section, and substituting in place thereof the words "one-third," which will, when amended, read as follows: Each bank shall keep on hand at all times at least fifteen per centum of its total deposits; and in cities with a population of over fifty thousand, at least twenty-five per centum of its total deposits, one-third of which reserve shall be in money, and the balance may be in funds, payable on demand, deposited in other banks.

§ 2. That section thirty-two of the act mentioned in the title of this act be, and the same is, amended so as to read as follows:

§ 32. Whenever any corporation has failed, or shall fail, to perform or comply with any requirement or provision of its charter under which it does business in this State, or shall be guilty of an abuse or misuse of its corporate powers, privileges or franchises, or shall become detrimental to the interest and welfare of the Commonwealth or its citizens, it shall be the duty of the Attorney-General of the State to institute such proceedings as may be proper and necessary to have forfeited and revoked the charter, powers, franchises and privileges of such corporation.

§ 3. Because it is necessary to make operative, as soon as may be, the provisions of this act, there is an emergency that this act go into immediate effect, and this act shall go into effect when approved by the Governor.

Approved March 3, 1894.

CHAPTER 36.

AN ACT to amend section two of chapter one hundred and eighty-three of Session Acts of one thousand eight hundred and ninety-one-ninety-two-ninety-three, entitled "An act to protect game and small birds in this Commonwealth."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the section above recited be, and the same is hereby, amended by striking out the word "grey," in the third line of said section, which section, when so amended, will read: No person shall catch, kill, or pursue with such intent, or have the same in possession after it has been caught or killed, any black or fox squirrel between the first day of February and the fifteenth day of June in each year.

§ 2. Whereas, the grey squirrel in the mountain counties of this State are liable to do a great injury to growing crops, an emergency is declared, and this act shall take effect from its passage and approval by the Governor.

Approved March 3, 1894.

CHAPTER 37.

AN ACT to amend an act, entitled "An act to provide for and regulate the ventilation of coal mines in this State, and for the better protection of miners."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section three of an act, entitled "An act ^{See page 468,} ~~Acts 1891-2-3.~~ to provide for and regulate the ventilation of coal mines in this State, and for the better protection of miners," be, and is hereby, amended by striking out the word "sixty" where it occurs the first, second and third times in said section, and inserting in lieu thereof the word "twenty," and by striking out the word "sixty" where it occurs the fourth time in said section, and inserting in lieu thereof the word "ten."

§ 2. Said section, as amended, shall read: "Said Inspector shall have power to visit and inspect any mine to which this act applies. He shall examine into the condition of such mine with respect to ventilation, drainage, timbering and general security; and if, upon inspection, he finds that such ventilation, drainage or timbering as the health or safety of the persons employed in the mines would require, has not been provided, or should he find the mine insecure in any part, or should he find that sufficient means of ingress and egress have not been provided, said Inspector shall at once notify the agent, superintendent or owner of the mine as to the unsafe or unwholesome condition of such mine, and require him to put the mine in a safe and wholesome condition, and such mine shall forthwith be rendered safe and healthful. For a failure to comply with the directions of the Inspector to render such mine safe, and to provide such ventilation as is sought to be secured by this law, and to provide safe and suitable means of ingress and egress within twenty days from the date of the inspection, the agent or superintendent and

owner shall be liable to a fine of fifty dollars per day for every day that such mine shall be suffered to remain in such unsafe or unhealthful condition after the expiration of the twenty days above provided in which the required improvements should be made, which fine may be collected by indictment by the grand jury of the county in which such mine is situated; but in cases in which the Inspector is satisfied, from personal investigation, that, even if due diligence is observed, the required improvements can not be completed within the thirty days above provided, he shall have authority to extend the time for not more than twenty days longer; but when the time is thus extended, the agent, superintendent or owner who is delinquent, after the expiration of the additional time, shall be subject to indictment and fine as above provided; and, as a cumulative remedy in case of failure of any owner, agent or superintendent to conform to the provisions of this law, after notice from the Inspector, within the time provided by this section, any circuit court, or the judge in vacation, may, on application of the Inspector, by civil action in the name of the State, enjoin or restrain, by writ of injunction, the said owner, agent or superintendent from working or operating such mine with more than five persons until it is made to conform with the provisions of this law; but before such writ of injunction shall issue, the owner, agent or superintendent shall have at least three days' notice of such contemplated action, and shall have the right to appear before such court, or the judge in vacation, to whom the application is made, who shall hear the same on affidavits, and such other testimony as may be offered in support as well as in opposition thereto. It shall be the duty of the Commonwealth's attorney of the district, and of the county attorney of the county in which the mine lies, to prepare and prosecute proceedings upon said application.

§ 3. This act shall take effect upon and be in operation after January first, one thousand eight hundred and ninety-five.

Approved March 3, 1894.

CHAPTER 38.

AN ACT to amend an act, entitled "An act providing for the creation and regulation of private corporations."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section two hundred and three of an act, entitled "An act providing for the creation and regulation of private corporations," be amended, so that said section shall read as follows, namely :

"§ 203. All companies shall keep their ticket offices open for the sale of tickets at least thirty minutes immediately preceding the schedule time of departure of all passenger trains from every regular passenger depot from which such trains start or at which they regularly stop; and shall open the waiting-room for passengers at the same time as the ticket office, and keep it open and comfortably warmed in cold weather until the train departs; and when any regular passenger train is delayed for thirty minutes in its arrival at a station which is a telegraph office, it shall cause to have posted in some conspicuous place in the waiting-room for passengers at such station the fact of and the length of time of the delay as soon as the same is ascertained by its agent at such station; and shall cause to be announced twice within each passenger car of every passenger train, within a reasonable time before its arrival at a station at which, from notice given, it is to stop, the name of such station; and at junctions, crossings and points where trains leave at or near the same time in different directions, shall cause to be announced in each passenger car the direction in which such car is to go."

See page 704,
Acts 1891-2-3.

§ 2. That any railroad company refusing or failing to comply with the provisions of section one of this act shall be fined not less than ten nor more than twenty dollars for each offense, to be collected in any court of competent jurisdiction.

Approved March 3, 1894.

CHAPTER 39.

AN ACT to amend an act, entitled "An act providing for the creation and regulation of private corporations," which became a law April fifth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section sixty-three of article two of an act, entitled "An act providing for the creation and regulation of private corporations," which became a law April fifth, one thousand eight hundred and ninety-three, without the approval of the Governor, be, and it is hereby, amended as follows, namely: Strike out the word "each," in the third line of said section as published in the Acts one thousand eight hundred and ninety-one-ninety-two-ninety-three, and insert in lieu thereof the words "at least one," so that said section shall read as follows, namely:

"§ 63. No person or firm shall engage in the business of private banking without a paid-up capital of not less than ten thousand dollars, nor until at least one person interested in the business shall have signed and sworn to a statement showing the names and post-office address of all persons interested in the business, the amount of capital invested, the name in which and the place where the business is to be carried on, which statement shall be recorded in the county clerk's office of the county in which the bank is located, and a copy thereof filed with the Secretary of State; and thereafter, in January and June of each year, and oftener if required, such

bank shall, under the oath of the proprietor, or one of the proprietors or cashier, report to the Secretary of State the correct condition of the business on a past day to be fixed by him, and according to a report prepared by him, and shall cause each report to be published when made in a newspaper, if any be published in the county in which the bank is located, and which has the largest *bona fide* circulation in the county."

§ 2. And whereas, there are banks now being conducted in which many persons residing in other counties and States are interested, and there are other banks to be started in which persons will be interested, to whom it will be quite inconvenient and expensive to make the statement referred to in said section; therefore it is declared that an emergency exists, and that this act shall go into effect from and after its passage.

Approved March 3, 1894.

CHAPTER 40.

AN ACT to amend sections six, seven and fourteen of an act, entitled "An act concerning the State Board of Health," approved April twentieth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That sections six, seven and fourteen of an act, entitled "An act concerning the State Board of Health," approved April twentieth, one thousand eight hundred and ninety-three, be amended by striking out said sections and inserting in lieu thereof the following:

§ 6. The secretary shall be elected by the members composing the State Board of Health on the first Monday in January, one thousand eight hundred and ninety-five, and shall hold his office for a term of four years, and until his successor shall have been elected.

He shall keep his office at some centrally located place in this State designated by the Board, and shall perform the duties prescribed by this law or required by the board. He shall keep a record of the transactions of the board ; shall have the custody of all books, papers, documents and other property belonging to the board which may be deposited in his office ; shall, so far as practicable, communicate with other State Boards of Health, and with the local boards within this State ; shall keep on file all reports received from such boards, and all correspondence of the office appertaining to the business of the board ; he shall, so far as possible, aid in obtaining contributions to the library of the board ; shall prepare blank forms of returns, and such instructions as may be necessary, and forward them to the local boards of the State ; he shall collect information concerning vital statistics, knowledge respecting diseases, and all useful information on the subject of hygiene ; and through an annual report, and otherwise, as the board may direct, shall disseminate such information among the people, and shall supply, on demand, to local boards of health, reliable vaccine virus for the gratuitous vaccination of the poor.

§ 7. The secretary shall receive an annual salary, which shall be fixed by the State Board of Health, not exceeding the sum of twelve hundred dollars. The board shall quarterly certify the amount due him, and on presentation of said certificate, the Auditor shall draw his warrant upon the Treasurer for the amount. The members of the board shall receive no per diem compensation for their services, but their traveling and other necessary expenses while employed on the business of the board shall be allowed and paid. The necessary printing of the State Board of Health shall be done in the same way and upon the same conditions as other public printing is done.

§ 14. Physicians appointed as health officers for cities, towns and counties shall receive reasonable

compensation for their services, to be allowed by the councils, trustees or county courts of the cities, towns or counties, and to be paid as other city, town or county officers are paid, and such officers may be removed at any time by the local boards appointing them. It shall be the duty of each local authority to transmit to the office of the State Board the name and post-office address of each officer appointed by it. Any physician or head of a family, who shall fail or refuse to report to the local board of health cases of cholera, smallpox, yellow fever, scarlet fever, diphtheria and other epidemic diseases, as provided for in section nine of the act mentioned in the title of this act, shall be fined not less than five dollars for each day he neglects or refuses to report.

Approved March 3, 1894.

CHAPTER 41.

AN ACT to amend section fourteen of chapter two hundred and fifty-nine of the Session Acts of one thousand eight hundred and ninety-one-ninety-two-ninety-three, entitled "An act to regulate and control turnpike and plank roads."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That section fourteen of chapter two hundred and fifty-nine of the Session Acts of one thousand eight hundred and ninety-one-ninety-two-ninety-three, be, and the same is hereby, amended so as to read as follows: The president and managers of all toll bridges, turnpike, gravel and plank road companies in which the State or county is a stockholder shall, within the month of July in each year, make a full settlement with the county court in each county in which same is located, showing an itemized account of the entire earnings of said toll bridge, turnpike, gravel or plank road company, and said settlement shall be sworn to by the officer making the same; and

See page 1410.
Acts 1891-2-3.

they shall also make or declare a dividend of the profits of such bridge, turnpike or road company, if any, and pay to the stockholders, when called for, the amount due them, and into the Treasury of the State or county the amount due to the State or county within twenty days thereafter. It shall be the duty of the county attorney to see that said settlement is made or dividend is declared; and upon failure of any of the companies herein enumerated to comply with the requirements of this section, they, or any of them, shall, upon indictment in the circuit court of the county holding stock in any of the company herein mentioned, be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

Approved March 3, 1894.

CHAPTER 42.

AN ACT providing for the publication of the proceedings of the General Assembly.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the publishers of the Daily Capital of Frankfort, Kentucky, be, and they are hereby authorized to continue the publication of the legislative proceedings of each House of the General Assembly of Kentucky, as published in said Daily Capital since the beginning of the present session, until final adjournment of this Assembly.

§ 2. That the said publishers are hereby authorized to furnish the Senate with fifty copies, and the House of Representatives with one hundred and fifty copies of said Daily Capital containing the daily proceedings as aforesaid; and the said publishers are hereby allowed at the rate of seventy-five cents per copy per month from the beginning of the present session until the close thereof, or so long during said session

as the service aforesaid may be performed ; and the Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasurer of State of Kentucky for such amount as may be due said publishers according to the terms and conditions of this act and the obligation hereby incurred.

§ 3. As no reason exists for applying the Constitutional provision as to the time for this act to be in effect, an emergency is hereby declared, and this act shall be in force from and after its approval by the Governor.

Approved March 3, 1894.

CHAPTER 43.

A N ACT empowering fiscal courts in this Commonwealth to subscribe stock in turnpike roads, and hold them for the use of the traveling public.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the fiscal courts in the several counties of this Commonwealth shall have, and they are hereby empowered, to subscribe stock in turnpike road companies, and hold the same for the use and benefit of the traveling public in their respective counties under the provisions and limitations of this act.

§ 2. If as many as twenty-five per cent. of the qualified voters of any county shall sign and deliver to the fiscal court of such county a petition requesting the subject of taxation for the purposes mentioned in this act shall be submitted to the voters of the county at the next regular county or State election to be held therein, thereupon the judge of said court shall order an election for this purpose, and if it be found that a majority of the voters voting are in favor of levying said tax, it shall be so ordered by said court, and then such fiscal courts shall have the right and power to levy, and cause to be collected, taxes on all the taxable property

in their counties respectively, not to exceed ten cents on each one hundred dollars' worth of said property in any one year, which shall be applied by said courts exclusively to the payment for all such stocks as may be subscribed for under the orders of said courts in pursuance with the provisions of this act. But no subscriptions of stocks shall be made by said courts, except to aid incorporated turnpike road companies in the purchase of such roads as have been, or may hereafter be, the exclusive owner or owners of such roads, and which have hitherto been operating such roads for the benefit of such incorporated companies exclusively ; and not more than eight hundred dollars per mile shall be subscribed by such courts to aid in the purchase of an interest in such roads, and said courts shall hold such interest in the roads heretofore mentioned for the sole use and benefit of the traveling public, and no more tolls shall be charged and collected for the use of such roads than will be necessary to keep the same in proper repair and other necessary incidental expenses : *Provided, however,* The fiscal court may, upon a favorable vote of the people of the county, keep up such turnpike roads by levying a tax of not exceeding ten cents on the one hundred dollars' worth of taxable property in the county, instead of collecting tolls on such roads.

§ 3. Said courts shall appoint one or more commissioners, whose duty shall be to examine all contracts proposed to be made for the purchase of said roads ; and said courts shall not subscribe any stock in aid of such purchase until such commissioners have made their reports to said courts, setting forth the cost and conditions as to payment for the same, which reports shall be confirmed by said courts before such stock is subscribed ; and when an interest is acquired by such courts in any road in accordance with the provisions of this act, a discreet person shall be appointed by the fiscal courts to cast the number of votes represented by the number of shares in such roads acquired by

such purchase in the election of all boards of directors for such companies. Said boards of directors shall annually fix the rates of toll to be collected from the traveling public for the use of said roads, and apply the same as required by this act, and shall do all other things legal and necessary to carry out the objects contemplated by this act, which are to establish a uniform system of turnpike roads in all the counties in this Commonwealth, in which some turnpike roads are held and operated exclusively for the benefit of incorporated turnpike road companies, and others have been or may hereafter be constructed in part by stock subscribed by the courts of such counties, the profits of which are or may hereafter be applied to keeping such roads in repair exclusively.

§ 4. The fiscal courts shall be represented in all such boards of directors by not less than two directors, who shall be chosen from the justices of the peace of the county, who shall represent the stock of the counties in said companies; and the companies by which said roads have been purchased shall not be represented by more than three directors in such boards of directors; and the members of such boards of directors shall have such compensation for their services as may be, from time to time, allowed them by the fiscal courts in their counties respectively, which shall be paid out of the earnings of such roads respectively: *Provided*, That no appropriations shall be made out of the earnings of one road to pay for the services of a board of directors of another road company.

§ 5. If fiscal courts have doubts as to the expediency of confirming reports of the proposed purchase of any road under the provisions of this act, such courts shall have the right to refuse the confirmation of such reports, but may refer them back to the commissioners who have made such reports to the court.

§ 6. All acts or parts of acts heretofore enacted which are contradictory to any of the provisions of this act are hereby repealed.

Approved March 3, 1894.

CHAPTER 44.

AN ACT making the salaries of the Judges of the Court of Appeals five thousand dollars per annum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the salaries of the Judges of the Court of Appeals of this Commonwealth shall be five thousand dollars each per annum.

§ 2. That the provisions of this act shall not apply to the incumbents during the present term of their office.

§ 3. That all laws in conflict with this act are hereby repealed.

Approved March 6, 1894.

CHAPTER 45.

AN ACT to amend an act, entitled "An act relating to revenue and taxation," approved November eleventh, one thousand eight hundred and ninety-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act relating to revenue and taxation," which became a law November eleventh, one thousand eight hundred and ninety-two, the Governor not having signed or returned the same to the House in which it originated within the time prescribed by the Constitution, be, and the same is hereby, amended as follows, to wit: Amend section fifteen of article seven, so that the same shall read as follows:

§ 15. All State, county and district taxes, except as otherwise specially provided, shall be due and payable on and after the first day of March after the assessment; and the sheriff or collector of the State revenue in each county of this Commonwealth shall, on the first day of May, July, September, November and De-

ember, under oath, report to the Auditor of Public Accounts the amount of taxes he has collected, and pay the same immediately, and shall account for and pay all taxes for which he is bound, into the State Treasury by the first day of December in each year; and upon his failing to do so, he and his sureties shall be liable therefor, and shall be proceeded against at the first term thereafter of the Franklin Circuit Court. Any person or persons failing to pay their taxes by the first day of December in the year following the assessment for such taxes, shall pay six per centum additional on the tax so due and unpaid. Any sheriff who shall fail to report as herein required shall be liable to indictment in the Franklin Circuit Court, and fined not less than one hundred dollars nor more than five hundred dollars for each offense; and it shall be the duty of the Auditor to report to the grand jury of Franklin county, at the next term of said court after such failure to report, the name of such sheriff so failing to report. The sheriff shall be required by the Auditor to pay a penalty of six per centum on all taxes due and unpaid by him on the first day of January in each year. The Auditor, in his settlement with the sheriff, shall charge him with the several penalties accruing under the provisions of this act.

§ 2. Amend section nineteen of article seven so that the same shall read as follows:

§ 19. The sheriff or collector of the State and county revenue of each county of this Commonwealth shall, on the first day of May, July, September, November and December, under oath, report to the county court the amount of State and county taxes he has collected, together with all fines, forfeitures, or money on any other account, showing in said report the amount collected for and belonging to each particular fund. Said reports shall be filed and recorded in a separate book, and be open for inspection in the office of the county clerk. The sheriff shall be required by the fiscal court to pay a penalty of six per centum upon all taxes

levied by said court that remain due and unpaid by him to the proper parties or funds on the first day of January in each year, and the person appointed to make a settlement with the sheriff shall also ascertain the amount of the above penalty, and charge same to the sheriff. Any sheriff who shall fail to report, as herein required, shall be liable to indictment in the county of his residence, and fined not less than one hundred dollars nor more than five hundred dollars for each offense.

Approved March 7, 1894.

CHAPTER 46.

AN ACT to amend an act, entitled "An act for the better protection of skilled labor, and for the registration of labels, marks, names, brands or devices, covering the products of said labor of associations or unions of working men or women," approved April sixteenth, one thousand eight hundred and ninety.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the better protection of skilled labor, and for the registration of labels, marks, names, brands or devices, covering the products of such labor of associations or unions of working men or women," approved April sixteenth, one thousand eight hundred and ninety, be and the same is hereby, amended, by adding thereto the following:

"§ 1. Any person or persons who shall in any way use or sell any counterfeit or colorable imitation of any label, mark, name, brand or device, which has been or shall be adopted by any union or association of workingmen or women, and filed and registered as provided in the said act to which this is an amendment, shall be guilty of a misdemeanor, and upon conviction thereof, shall, for each offense, be fined not less than ten dollars nor more than fifty dollars, or imprisoned not more than thirty days, or both."

§ 2. Any person or persons who shall make, use or sell any such label, mark, name, brand or device, when genuine, without the authority or permission of the association or union so adopting and filing the same, or shall use, or sell the same to be used, on any goods or on any article not made or finished by the labor or under the supervision of a member or members of such association or union, shall be guilty of a misdemeanor, and, upon conviction thereof, shall, for each such offense, be fined not more than fifty dollars nor less than twenty-five dollars, or imprisoned not more than thirty days, or both.

§ 3. Any person or persons who shall make, use or distribute any counterfeit or colorable imitation of any such label, mark, name, brand or device, knowing the same is such counterfeit or imitation, shall be guilty of a misdemeanor, and, upon conviction thereof, shall, for each offense, be fined not more than fifty dollars nor less than twenty-five dollars, or by imprisonment not exceeding thirty days, or both.

Approved March 8, 1894.

CHAPTER 47.

AN ACT to amend chapter two hundred and thirty-two of the Acts of one thousand eight hundred and ninety-one-ninety-two-ninety-three, entitled "An act relating to roads and passways."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That article one of an act, entitled "An act relating to roads and passways," contained in chapter two hundred and thirty-two, Acts of one thousand eight hundred and ninety-one-ninety-two-ninety-three, approved June twenty three, one thousand eight hundred and ninety-three, be, and the same is hereby,

repealed, and the following substituted in lieu thereof:
"All public roads on which the several county courts

have heretofore appointed surveyors to work the same,

Repeal act of
June 23, 1893.

Declared public
roads.

and allotted hands therefor, which have not been vacated according to law, are hereby declared public roads, without regard to any informality in the orders of the county court by which they were established."

Application for opening roads.

§ 2. Applications for opening roads shall be allowed only for the convenience of traveling to the county court-house, to a public warehouse, an established town, post-office, landing, ferry, mill, lead or iron works, the seat of government, salt works, house of public worship, public cemetery, poor house, coal or iron banks, to a lock and dam, to an oil well, copper or other mines, a stone quarry, sand bank, to any navigable river, or to a convenient depot on a railroad.

Petition for opening, changing or discontinuing public roads.

§ 3. All applications to have a new road opened, or a former one changed or discontinued, or to have the privilege of erecting gates across any such road, shall be by petition to the county court, signed by at least five land-owners of the county, which petition shall set forth, in writing, a description of the road, and what part thereof is to be altered or vacated. If for a new road, the names of the owners and tenants of lands, if known, and if not known, it shall be so stated, over which the road is to pass, the points at or near which it is to commence, its general course, and the place at or near where it is to terminate, and if to erect gates, the place proposed for that purpose.

Notice to be given.

§ 4. Previous to the filing of any petition mentioned in the preceding section, notice thereof shall be given by posting written or printed advertisements in at least five of the most public places in the district or districts in which said road shall be located, for at least twenty days prior to the term of court at which such petition is to be presented, which notice shall state the time when such petition is to be presented, and the substance thereof, and a copy thereof shall be filed with the petition.

§ 5. When the petition is filed, the county court being satisfied that proper notice has been given ac-

cording to the provisions of the preceding section, Court to appoint commissioners. shall appoint three impartial housekeepers of the county as commissioners to assess damages the owner or owners, or tenants, if any, may be entitled to receive, who shall be sworn to faithfully and impartially discharge their duties under the law.

§ 6. It shall be the duty of said commissioners to Duty of commissioners. view the ground along which the road is proposed to be conducted ; to view the old road and new route, if any alteration in the road is proposed ; if a discontinuance, then to view that road ; and if the petition be to erect gates across a road, then to view the place proposed for that purpose. The commissioners may examine other routes than that set forth in the petition, and as near thereto as, in their opinion, a good road can be made at reasonable expense, taking into consideration the ground, convenience and inconvenience, and the expense which will result to individuals, as well as the public, if such roads shall be established or altered as prayed for, and may report in favor of that which they prefer, with their reasons for the preference. Said commissioners shall determine and assess what will be a just compensation to each owner and tenant, if any, for the land proposed to be taken, and the additional fencing which will be thereby rendered necessary, and the value thereof, and the damage, if any, to the residue of the tracks beyond the consequential benefits which will be derived to such residue from the road. If a person has only an estate for life or years in such land, and the remainder in fee belongs to another, the commissioners shall apportion the damages between them.

§ 7. Said commissioners shall return a report, in Commissioners to report. writing, signed by them, to the court, stating the conveniences and inconveniences which will result, as well to individuals as to the public, from the opening of such road, the alteration or discontinuance of a road, or the erection of gates across a road. It

Duty of county surveyor.

shall state the commencement and termination, courses and distances of such proposed road or alteration, so that the same can readily be found and located; the value of the land sought to be appropriated for the establishment of such road or alteration, and the amount of damages, if any, to whom, which by them have been assessed; the names of the owners and tenants, if any, and whether the owners are non-residents of the State, infants, of unsound mind, or married women; and it shall also state their opinion in favor of or against the establishment, alteration or discontinuance of such road, or the erection of gates across a road, as the case may be. The court shall, if requested, direct the surveyor of the county to attend the commissioners, and make out and return a map or diagram of the routes viewed, and to report such other facts touching the matter as either party may require.

Process to be issued.

§ 8. Upon the report of the commissioners on an application to establish or alter a road, the court shall issue process against the owners and tenants of the lands over which said report shows the proposed road to pass, show cause why the said report should not be confirmed, and shall make such orders as to non-residents and persons under disability as are required by the Civil Code of Practice in actions against them in the circuit court; but if the court shall be of the opinion that the proposed road or alteration is not of sufficient public utility for the county to pay the compensation and damages assessed as aforesaid, and the petitioners refuse to pay the compensation and damages, then the proceedings shall be dismissed at the cost of the applicant.

Duty of court.

§ 9. At the first regular term of the county court, after the owners and tenants shall have been summoned the length of time prescribed by the Civil Code of Practice before an answer is required, no exceptions having been filed to said report by either party, it shall be the duty of the court, from the

report and other evidence, if any, to determine whether the road shall be established or altered as recommended by the commissioners.

§ 10. When exceptions shall be filed by either party, ^{When exceptions are filed.} the court shall, unless the parties agree that the court may try such issues, forthwith cause a jury to be empaneled to try the issue of facts made by the exceptions, and each juror shall be allowed one dollar per day for his services, to be taxed as costs. In assessing the compensation and damages, the jury shall be governed by the rule prescribed in section six of this article, and upon request of either party may be sent by the court in charge of the sheriff to view the lands. If sufficient cause be not shown for setting aside the verdict, the court shall, upon the report, verdict and other evidence, if any, determine whether the road shall be established or altered as recommended in said report.

§ 11. At the first regular term of the county court ^{Powers of court.} after the filing of the report of the commissioners on an application to discontinue a road or erect gates across a road, whether exceptions have been filed thereto or not, the court shall, upon the report and other evidence, if any, determine whether the road shall or shall not be discontinued, or whether gates may or may not be erected across a road; and if the decision be in favor of erecting gates, the court shall fix the site of such gates, and the description of gate to be erected, which, in all cases, shall be done at the cost of the applicants. The county court may, after the occupant of the premises upon which gates shall be erected across a road has had ten days' previous notice of the proceeding, order the county supervisor of roads to have the gates repaired, removed or abolished (if the public good requires it), at the expense of the occupier of the land; but the order shall allow the occupant reasonable time to repair, remove or abolish the gates, and to remove or change his fences so as not to endanger the crop or other property of the occupant.

§ 12. If the occupant shall fail to repair, alter or
~~Penalty for fail-~~ abolish the gates as ordered by the court, and the
~~ure to obey~~ orders of court, same shall be done by the supervisor, under the pro-
visions of the preceding section, and the occupant
shall, on demand, refuse to pay the expense thereof,
the supervisor of the road shall report the facts to the
county court, which shall thereupon issue a summons,
requiring such occupant to show cause, if he can, at
the first term of said court, beginning not less than ten
days after the service of said summons, why judgment
shall not be rendered against him for such expenses
and costs; if said occupant does not answer, the court
shall render judgment for said expenses and costs, and
if he answers, the court shall hear the evidence and
determine the matter.

§ 13. The court may open or alter a road on condi-
~~Costs of proce-~~
~~dure to be paid.~~ tion that all or a part of the sum required to be paid
to the owner and tenant, and the cost of procedure,
shall be paid by the applicants, or on condition that
the applicants wholly or in part open or alter the road;
but if the court be of the opinion that such sum or
sums and the cost of the proceedings shall be paid by
the county, it shall order the same to be paid to the
person or persons entitled thereto.

§ 14. After any such road or alteration thereof has
~~Order to be~~
~~issued by court~~
~~to supervisor or~~
~~overseer.~~ been established, the court shall cause an order to be
issued, directing said road to be opened or altered, as
the case may be, in conformity to the commissioners'
report. Said order shall be directed to the county
supervisor of roads, if there be one, if not, then to
the overseer of roads for the district in which said
road, or the greater part thereof, is located.

§ 15. No road shall be ordered to be opened or al-
~~Where roads may~~
~~not be opened.~~ tered through any burying-ground or dwelling-house,
yard and lawn attached, or orchard, without the con-
sent of the owner. The county court may widen
roads already established, not to exceed sixty feet in
width. Upon written information under oath of the
supervisor, or of any two citizens of the county, being

~~Widening of~~
~~roads.~~

filed in the county court at any regular term, to the effect that any public road in said county, or any part of such road, is not of sufficient width for the convenience of public travel, the court shall appoint three suitable persons, one of whom shall be a competent surveyor, to view the same, who shall report in writing, under oath, to the court at its next term, the present width of said road at the point or points designated, the character of the ground over which it passes, and the land adjacent thereto, and the purposes for which said adjacent land is used, and whether, in their opinion, the convenience of public travel demands that said road be made wider, and if so, how much wider, and the distance of such increased width. They shall also report how much of the adjacent land will be taken by the proposed change, its reasonable value, to whom it belongs, and to what extent the change will injure or benefit the owners of said land, and they shall return with their report a map of the ground viewed, showing the proposed change. Upon the report of the reviewers like proceedings shall be had as are now had in applications for opening roads. The court may hear oral testimony, and if, upon the whole case, the court shall be of opinion that the road should be widened, it shall order the supervisor of roads, or, if no supervisor, the overseer of the precinct, to have the same done in manner and form as prescribed by the court. In carrying out the provisions of this section it shall be lawful, when unavoidably necessary, to embrace portions of any yard, lot, park or orchard in the increased width of any road, but not of graveyards, without consent of corporation or parties having dead buried therein, and then upon proper provision for decent reinterment. In every case arising under this section the person whose land is taken shall, if he requires it, be compensated therefor; and if no agreement can be made by and between him and the court as to the amount of such compensation, the

same shall be ascertained and fixed in the manner hereinbefore prescribed for condemning land for road purposes.

Turnpike,
plank or gravel
road companies
may surrender
road to county.

§ 16. The owners of the stock of any turnpike, plank, gravel or other road may, at any time, surrender to the fiscal court of the county in which the road is situated the right to use, occupy, repair and control the same as a public road, and thereupon said court may immediately take charge of said road, which shall become a part of the public road system of the county.

Appeal.

§ 17. No appeal shall lie to the Court of Appeals from the decision of a county court ordering a new road to be opened, or refusing such order, or ordering an alteration in a road, or refusing the same, or discontinuing a road, or refusing such discontinuance; allowing gates to be erected across a road, or refusing to allow the same, or abolishing such gates. But in all such cases the party aggrieved may prosecute an appeal within sixty days by executing bond as required in other cases to the circuit court of the county, and the appeal shall be tried *de novo*; and from the decision of the circuit court either party may prosecute an appeal to the Court of Appeals, and the latter court shall have jurisdiction only of matters of law arising on the record of such cases.

Roads to an es-
tablished town,
how opened.

§ 18. Where an application is made to open a road for the convenience of traveling to an established town, and the applicants are willing to pay the proprietors a fair compensation for the land to be condemned, and the cost of opening and the cost of procedure, it shall be deemed to be *prima facie* evidence of the necessity of the proposed road for the convenience of travel that it lies in the right line extended of a street of a city; but this rule shall apply only to an extension of not exceeding two miles beyond the limits of a city that, by the last preceding Federal census, had over fifty thousand inhabitants, and to an extension not exceeding one mile where the

city had less than that number. At the option of the applicants, a road made under this section may be made of the full width of the street of which it is an extension. Nothing in this section shall prevent a county court from opening a road along the extension of a city street at the expense of the county, in whole or in part, in any case where it would have done so but for the provisions of this section.

§ 19. That the judge of the county court shall, on information in writing by the supervisor or any overseer that a ditch is needed through the land of any person, or that a ditch, branch or creek through any person's land needs cleaning out, straightening, widening or opening in order to carry off the water from any part of the public road, and that the water can not be carried off otherwise, notify such person, in writing, to have the same done; and upon his failure, after reasonable time, being reported by the supervisor or overseer, the judge shall issue a summons against such person citing him or them to appear at the next regular term of his court, which shall meet not less than five days thereafter, to show cause why the same shall not be done by the supervisor, overseer or contractor, and the cost thereof laid as a tax upon his or their property as other county taxes; and upon failure of such person or persons to show cause, the court shall order said work to be done, giving specific directions therefor; and the cost thereof shall be laid and collected as a tax on the property of said party or parties, and the work shall be paid for out of the county levy. But in all such cases the party or parties affected shall have due compensation for property taken and damages sustained, to be ascertained in the same manner and by the same proceedings as in fixing damages and compensation for property, and so forth, in opening roads.

§ 20. The fiscal court of each county shall have general charge and supervision of the public roads and bridges therein, and shall prescribe necessary rules

Fiscal court to have charge of public roads and bridges.

and regulations for repairing and keeping the same in order, and for the proper management of all roads and bridges in said county under and subject to the provisions of this act. The public roads shall be maintained, either by taxation or by hands allotted to work thereon, in the discretion of the fiscal court of the respective counties, as hereinafter provided.

Court to have power to levy taxes.

§ 21. The fiscal court shall have full power and authority to levy an ad valorem tax for road and bridge purposes of not exceeding twenty-five cents per year on each one hundred dollars' worth of property assessed for State and county taxation, and also a per capita tax of not exceeding one dollar on each male citizen of the county, liable to work on roads, between eighteen and fifty years of age. Said tax to be collected in the same manner, by the same officer, and under the same obligations, as other county revenue is collected, and the fund shall be designated as the "Road and Bridge Fund."

Court may require citizens to work roads.

§ 22. The fiscal court of any county may require all able-bodied male citizens of the county, over eighteen and under fifty years of age, except licensed ministers of the Gospel and citizens of incorporated towns and cities, to provide themselves with necessary tools and implements, and to work on the public roads of the county not exceeding two days in a week, and six days in each year, and in cases of unusual emergency, the overseers may require the road hands to work a greater number of days in any week or year. In cases where the fiscal court shall pay the road hands for their work, the said court may require them to work more than six days in the year. Any such citizen may furnish an able-bodied substitute to work in his place. A day's work on the road for such hands shall be eight hours. The fiscal court, in its discretion, may pay the hands so ordered to work on the roads a reasonable compensation per day for all or any part of their labor. The amount due to each hand shall be certified by the overseer to the fiscal court, which

Day's work, pay, &c.

court shall direct the sheriff to settle all such claims in the payment of taxes, when any taxes are due by the person to whom allowed; and if no taxes are due, or if the claim amounts to more than the taxes due, the sheriff shall pay the persons holding such claim, taking their receipt for the same, which shall be his voucher in his settlement. Any one assigned to work ^{Fines for failure to work.} on a public road who shall, without good cause, fail to appear with proper implements, and do good work thereon, after having been notified for two days by the officer having supervision of the road, or by some one authorized, in writing, by him, to give said notice, shall, on trial and conviction before a justice of the peace, or the county judge, be fined for each day he so fails to work two dollars and fifty cents. All such fines, when collected, shall be used for road purposes, and upon failure to pay, a *capias pro fine* may issue.

§ 23. The judge of each county court shall, at the first regular term of his court after this act takes effect, divide his county into road precincts, shall fix boundaries for the same, and shall allot all the able-bodied male citizens within said boundary, between the ages of eighteen and fifty years, to work on the roads in their respective precincts. For each precinct he shall appoint an overseer, a resident of the precinct, who shall hold his office two years from the day of his appointment and until his successor shall be appointed, unless sooner removed by the county court. And the county judge shall fill all vacancies that may occur in said office.

§ 24. The appointment of overseers shall be, by order, entered in the order-book of the court; and the clerk of said court shall, within ten days after the entry aforesaid, deliver two copies of such order for each overseer to the sheriff, a constable, town marshal or the jailer of said county, by whom one copy shall be delivered to the overseer named therein, within fifteen days thereafter. Said order shall contain a description of the precinct allotted to each overseer.

The sheriff or other officer delivering such order shall return the other copy, with his indorsement of service, to the county court. For each failure of said clerk, sheriff or other officer to discharge the duties herein required, such officer shall be fined five dollars. The said overseers shall be exempt from service on juries and from poll-tax for road and bridge purposes; and for failure to perform the duties herein required of them shall, for each offense, be fined from five to fifteen dollars. The fines imposed under this section to be recovered on warrants issued by and tried before the judge of the quarterly court.

§ 25. The duties of the overseers shall be as follows.
Duties of overseers. to-wit: In counties wherein the roads are worked by hands allotted as hereinbefore provided, the overseers shall have charge of the roads and bridges in their respective precincts, construct bridges and work the roads in the manner directed by the fiscal court; shall summon the hands to work the roads in their precincts; superintend and direct said work and keep the road and the bridges thereon free of obstructions and in good condition for travel; and may employ the necessary wagons, plows, scrapers, teams and such additional implements as may be needed to work said road; and shall report to the nearest justice of the peace or to the county judge any failure or refusal of any of the hands on his road to appear and do good work in obedience to his summons, and the number and length of time of such failure, and he shall also report promptly to the county judge any damage, injury or obstruction caused by any one to said road or the bridges thereon. And when the fiscal court has provided for paying hands for working on the roads, it shall be the duty of the overseers to report to the fiscal court the number of hands and the time worked by each who have worked on the roads of their respective precincts, and to furnish to each hand a certificate of the time so worked by him.

§ 26. In counties wherein the roads are worked by

taxation, it shall be the duty of the overseers to assist the supervisor, if there be one, in looking after the roads in their respective precincts and seeing that they are kept in good repair; to report promptly to the supervisor all obstruction to travel thereon, and to report to the county judge all failures of the contractors to comply with their contracts, and all violations or neglect of duty of the supervisor with regard to said roads. If there be no supervisor, they shall discharge such duties and have such powers with regard to the roads and bridges in their respective precincts as may be conferred and imposed upon them by the fiscal or the county court.

§ 27. The fiscal court of any county wherein the roads are worked by taxation may, at its first regular term after the taking effect of this act, and every two years thereafter, appoint a supervisor of roads in and for its county, who shall be a citizen of the county, and who shall hold his office for the term of two years, and until his successor is appointed and qualified, unless sooner removed by the fiscal court. Any vacancy in the office of supervisor shall be filled by the fiscal court at a regular term, and it shall be the duty of the county judge, in the event of such vacancy, immediately to fill the same till the next regular term of the fiscal court.

§ 28. The supervisor shall, at the next regular term of the county court after his appointment, execute bond to the Commonwealth for the benefit of the county, with sureties to be approved by the court, in double the amount of the bridge and road funds, and shall take an oath for the faithful discharge of his duties. The taking of said oath and the execution of said bond shall be noted on the order-book of the court. The bond shall be recorded in the order-book, and the original carefully preserved on file in the office of the clerk of said court. Copies of the said bond shall be competent as evidence in any suit,

proceeding or prosecution against the supervisor and his sureties, or either of them, for breach of his said covenant. The said county court, or any person aggrieved, may, from time to time, institute suit against the supervisor and his sureties on said bond (or against his or their personal representatives), in any court of competent jurisdiction, for any loss or damage sustained by the acts or omissions of the supervisor. The said bond shall not be void or discharged on the first or any other recovery, nor until all persons aggrieved shall be satisfied.

§ 29. In counties wherein roads are worked by taxation, it shall be the duty of the supervisor, at the court-house door in his county, on the first Monday in March in each year, after twenty days' written or printed notice posted at each voting place in the county, to let out to the lowest and best bidder, who shall give bond with surety, approved by the supervisor, the working and keeping in repair of all the roads in said county, for the term of not less than one year nor more than two years thereafter, the said work to be done as prescribed in the bonds of contractors; to let out at such times as needed, and on reasonable (printed or written) notice, the building and repairing of all such bridges and culverts as are not embraced in the contracts for working roads; to superintend the opening, widening and changing of roads; superintend erection of gates on public roads; to receive new roads and alterations in roads, and to report same to the county court when, and in the manner directed by the county court, and to see that all roads and bridges are kept clear of obstructions, and at all times in good order for travel and transportation: *Provided*, That for the purposes enumerated the fund raised under this act, and which may be otherwise raised by the levy court, shall be sufficient; and if not sufficient, then it is to be used at such places and for such purposes as the supervisor, under the general directions of said court, may deem proper; and the court, in

Roads to be let out to lowest bidder.

giving such directions, shall have due regard to the public good, and to the wants of the different parts of the county. The said court shall provide a period in each year within which the levying and grading of roads shall be done, but said period shall not extend beyond the first of September in any year. It shall be the duty of the supervisor to report in writing to the judge of the county court all failures of contractors to comply with their contracts in regard to roads or bridges, and to appear and prosecute in all proceedings against such delinquents so reported by him. The supervisor, with the consent of the county judge, may designate certain roads or parts of roads that are not to be let out as hereinbefore required, but which are to be worked and kept in repair either by special contracts privately made, or by hands and teams hired by him, or by delinquent tax-payers, or by persons sentenced to labor, or who, by law, may be liable to work out fines imposed by juries or courts. But it shall be the duty of the supervisor to return to the county court, at its September term in each year, a descriptive list of such roads, which shall be recorded in its order-book, and also to report in writing all hands and teams hired, and amounts paid for same, and the length of time and where employed; and also a similar report of the names of delinquents who work, the places where, and the length of time, and names of persons working out fines or sentences on roads. And it shall be the further duty of the supervisor to supervise said work, and to employ competent persons to oversee; and he may, if necessary, put balls and chains on convicts to prevent their escape. Such overseers and persons hired as herein provided are to be paid out of the road fund or county levy, in the discretion of the fiscal court. Delinquent tax-payers shall be put on roads convenient to their place of residence, and shall be allowed credit at the rate of one dollar for each full day's work: *Provided, however, That the fiscal court of any county wherein roads*

are worked by taxation may, instead of appointing a supervisor, authorize the county judge to so let out the working of the roads and the building or repairing bridges, and to take and approve the bonds hereinbefore required. In such cases the other powers herein conferred and duties imposed upon the supervisor shall be exercised and discharged by the road overseers in their respective precincts: *And provided further*, That the county court may, in its discretion, appoint a special commissioner to receive new roads and alterations in roads: *And provided further*, That in cases where, under the provisions of this section, the supervisor, with the consent of the county judge, is authorized to designate certain roads that are not to be let out as hereinbefore required, but which are to be worked and kept in repair by special contracts by hired hands, by delinquent tax-payers or persons sentenced to labor, the county judge (there being no supervisor in the county) shall have authority, and it shall be his duty to do every thing in relation thereto that the supervisor could have done without his consent, and may appoint some competent person or persons to superintend and carry on said work.

Contractor's
bond.

§ 30. The contractor's bond required by the preceding section shall be given to the Commonwealth for the benefit of the county, with good surety, to be approved and attested by the supervisor or judge in at least double the amount of the value of the work to be done, and conditioned for the faithful performance of the work within the prescribed time, and shall be returned by the supervisor or judge to the county court at its next ensuing term, which fact shall be noted of record, and the bonds kept by the clerk of the court in his office vault, labeled and marked "Contractor's Bonds." Similar bonds shall be taken for the work let at private contract, and shall be returned and kept as the other contractor's bonds; certified copies of said bonds shall be competent as evidence. For any

breach of a contractor's bond he shall be liable to a fine of from ten dollars to one hundred dollars, and to action for damages by all parties aggrieved thereby. Upon the filing of the report of the supervisor or overseer, that any contractor has failed to comply with his contract, or upon information or oath of any person, or on his own knowledge that any road or bridge, embraced in said contract, is out of repair, the judge of the quarterly court of said county shall forthwith issue from, and make returnable to his court, a warrant in the name of the Commonwealth, against the delinquent contractor, and when executed, proceed forthwith to try the same as other Commonwealth warrants are tried. The sureties of all delinquent road and bridge contractors shall be liable for all fines imposed and judgment for damages rendered against their principal under this act. All parties proceeded against, as hereinbefore provided, shall be entitled to a trial by a jury.

§ 31. For any violation of or failure, without good cause, to discharge any duty prescribed by this act, Penalty for failure of supervisors. the supervisor shall be deemed guilty of a misdemeanor, and shall, on conviction, be fined therefor not less than ten nor more than one hundred dollars, to be recovered by warrant in the name of the Commonwealth of Kentucky, to be issued by and returnable before the county judge of the county, sitting as judge of the quarterly court; and it shall be the duty of said judge to issue such warrant upon his own knowledge or upon information of another on oath. On the trial of such warrant the supervisor shall be entitled to a jury if demanded.

§ 32. That the supervisor or overseer shall, on the order of the county judge, entered of record, hire wagons, plows, scrapers and teams, and procure forage for same; and either hire or purchase for the county such tools and implements as may be necessary and suitable to perform the work, which he may have done by hired hands, delinquents or convicts. Supervisor to secure implements, &c. He

shall be responsible on his bond for the preservation and safe-keeping of such tools and implements, and it shall be unlawful and a breach of his bond to loan or hire out, or to suffer any one to use the same, unless under his contract as supervisor. The supervisor shall give orders for the cost of said tools, and so forth, for necessary repairs on same, for sustenance for work-stock hired, and for wages of hired hands and overseers, which shall be approved and paid as other road expenditures. He shall keep duplicate orders, and report to the county court at its September term each year an itemized account of all moneys expended by him for the foregoing purposes.

Fines.

§ 33. All fines assessed under this act shall be collected as other fines, and shall, less county attorney's commissions, inure to the benefit of the road fund of the county, and shall be paid out by the collecting officer, as the road fund is paid; and the tax collector shall report amounts of fines, and from whom collected, to the levy court annually.

Special commis-
sioner.

§ 34. The fiscal court may appoint a special commissioner to let out and superintend the construction or repairing of any bridge or bridges, and fix his compensation therefor: *Provided, however.* That the supervisor shall not be liable for any defects or failure in regard to such bridge; but the special commissioner shall be liable therefor, and the court shall require him to give bond, with surety.

Delinquent tax-
payers, may be
required to work
on roads.

§ 35. That all delinquent and capitation tax-payers of the county between the ages of eighteen and fifty years, shall be required to work out their said taxes at such times and on such roads as the supervisor may prescribe, within reasonable distance of their respective places of residence, for which each delinquent shall have credit at the rate of one dollar for each full day's work performed by him. The supervisor shall notify such delinquents, as road hands are now required by general law to be notified; and for failing or refusing to comply with the order of the super-

visor, when so notified, such delinquents are made liable to all the pains and penalties now imposed by general law on persons who fail or refuse to work on roads. The supervisor is authorized and empowered to collect the taxes due from such delinquents, if they desire to pay the same instead of working on the roads; and he shall be liable on his bond for the money so collected, and the same may be recovered from him on motion, on ten days' notice in the quarterly court. The taxes so collected shall, by the supervisor, be reported to the county court, and paid over to the tax collector, and held and applied by him as part of the road fund.

§ 36. All male persons confined in county jails or work-houses, under judgment of a court directing that they may be worked at hard labor, shall be available to the supervisor or overseer, for the purpose of working them on the public highways. In counties having work-houses, the prisoners may be obtained by the supervisor or overseer from the board of commissioners and the superintendent of the work-house, upon such terms as may be agreed upon between them. In counties having no work-houses, the prisoners may be obtained upon application to the judge of the county court, who shall give an order for such of said prisoners in jail as may be deemed proper. The jailer having such prisoners in custody shall deliver them to the supervisor or overseer on the presentation of the order of said judge. The supervisor or overseer shall be responsible for their safe-keeping, and may, if necessary, attach a ball and chain to any of said prisoners, and the prisoners so employed shall be, while in the hands of the supervisor or overseer, governed, controlled and cared for by them as provided in the law governing superintendents of work-houses, and the prisoner shall receive credits for work as provided by law: *Provided*, All such work shall be done on such public highways and streets as have not been

Prisoners may be
worked on roads

let out to a contractor at a stipulated price, unless the contractor consents thereto.

§ 37. The fiscal court, at any regular or called term, Supervisor may be removed. a majority of the justices in commission concurring,

may, on motion of the county attorney, remove the supervisor from office for neglect of duty, malfeasance or misfeasance. But he shall be first notified in writing of time and grounds of said motion for ten days.

§ 38. If the fiscal court shall so decide, any taxpayer who may so desire shall have the privilege of working on the public roads in his county sufficiently long to pay his road and bridge tax, but shall work for the same compensation per day and the same number of hours per day, and under the same regulations that other hands employed to work on the roads do, and the supervisor shall give such person who desires to pay his road tax in work a receipt, specifying the number of days he may so work; and if the work done shall equal his tax at the specified price agreed on, then such receipt shall be evidence of the payment of his road and bridge tax in full, but if he only works out a part of said tax, the receipt shall only evidence such part payment thereof.

§ 39. Any corporation, company or individual who may, by unusual use of a road, materially damage the same, shall repair all damages caused by the use of such road or roads. The supervisor or overseer of roads shall, at any time when necessary, notify said corporations, companies or individuals of their duty as provided in this section; and should the said parties so notified fail, in a reasonable length of time, to be filed in the notice, to make such repairs, such parties shall be deemed guilty of obstructing the public roads, and shall be subject to a fine of not exceeding one hundred dollars, to be applied to road purposes.

Persons damaging road may be required to repair.

Index at cross-roads.

§ 40. Every road supervisor or overseer shall, when directed by the county court, keep an index erected at the forks or crossing of all the public roads in his

district, upon which shall be inscribed in plain letters the name of, and distance to, the most noted place or places to which each road leads, the cost of which shall be paid as other road expenses.

§ 41. The owner or occupant of a ferry shall keep the roads leading to and from the same between high and low water-mark in good repair. But if high water ever extends farther than to the top of the first principal bank of the river, then the owner or occupier of the ferry shall only keep the roads leading from the same in repair to the top of such bank. The owner or occupier of a ferry shall, for neglecting his duty under this section, be fined not less than ten dollars and not more than fifteen dollars.

§ 42. When a bridge or causeway shall be necessary on a road, and the expense of erecting or repairing the same is too great to be paid out of the road and bridge fund for that year, the fiscal court of the county may have the same erected or repaired, and levy the cost thereof on the county, and the causeway may be made of broken stone, gravel or other hard and durable material, or of wood.

§ 43. When the fiscal court of any county shall deem it advisable to erect a bridge or causeway over any place between that and an adjoining county, the court shall appoint a commissioner and notify the fiscal court of the adjoining county thereof, and request the latter to appoint a like commissioner, and it shall be the duty of the court so requested to appoint such commissioner. The persons so appointed shall meet at the place proposed for erecting the bridge or causeway and agree on a plan for the same, and contract for the erection thereof, and each of said fiscal courts shall levy the cost of such work on its county in proportion to the number of tithables in each county.

§ 44. When the fiscal court of one county shall think it expedient to build a bridge or causeway, and shall appoint a commissioner on its part, as provided

Owners of ferries to keep roads in repair.

Fiscal court may levy taxes to repair bridges or causeways.

Erecting bridges between counties.

Proceedings when one county refuses to act with adjoining county in erecting bridge.

in the preceding section, and the court of the adjoining county shall refuse to appoint a commissioner, or when the county court of one county shall deem it necessary to open a road to the county line for the convenience of traveling to some public place in another, and the county court of such other county shall refuse to continue the road through such county, the circuit court of the county so refusing may issue a writ of mandamus to the fiscal court, requiring it to show cause why an order shall not be entered directing the appointment of the commissioner and the erection of such bridge or causeway, or the opening of the road. When the mandamus is returned the circuit court shall hear and consider such evidence touching the matter as either party may adduce, and shall either dismiss the proceeding or award a peremptory mandamus, as may seem proper.

Duties of owner or occupier of dam, race or pier-head.

§ 45. When a public road crosses a dam, race or pier-head, the owner or occupier thereof shall constantly keep the same in repair, at least twelve feet wide at the top, through the whole length thereof, and keep a bridge across the race or pier-head of like width, with strong rails on each side of the pier-head, flood-gates or any waste cut through or around the dam, under the penalty of one dollar and fifty cents for every twenty-four hours he shall fail to comply with the requirements of this section ; but when a mill-dam or pier-head shall be carried away by flood, or otherwise be destroyed without fault of the owner or occupier, he shall not be liable to such penalty until one month after the dam and pier-head shall have been washed out.

Unlawful for county officers to become interested in contracts.

§ 46. It shall be unlawful for the county judge, any justice of the peace, sheriff or tax collector, county attorney or supervisor or assistant supervisor, or any overseer, to become directly or indirectly interested in any contract for working roads or building or repairing bridges ; and it shall be unlawful for either of said officers or employes to buy or become interested in any

road or bridge order or certificate, or any claim growing out of such work. Either of said officers or employes who shall violate this section shall be guilty of a misdemeanor, and, upon indictment by a grand jury, and conviction thereof before any court of competent jurisdiction, shall be fined for each offense not less than fifty nor more than three hundred dollars. This section shall be given in charge to the grand jury by the judge of the circuit court.

§ 47. It shall be the duty of the county attorney to ^{Duties of county attorney.} prosecute all warrants under this act when notified by the court trying the same, and for all cases so prosecuted he shall receive for compensation a commission of twenty-five per centum of the fines imposed in cases wherein he shall prosecute; and on his failure to attend or prosecute, the court trying the warrant may appoint some other practicing attorney to prosecute, who shall be entitled to said commission for his services.

§ 48. It shall be the duty of the supervisor, when called on by the fiscal court, to furnish to said court ^{Supervisor to report condition of roads.} such information in writing as may be required, with regard to the roads and bridges and the work done thereon.

§ 49. Any person who shall willfully obstruct, injure or destroy any of said public roads or bridges, any index or finger-board, or any culvert or ditch on said roads, or shall willfully injure any of the tools or implements, or who shall, without right, take possession of or use or appropriate the same, shall be fined for each offense not less than five nor more than fifty dollars, to be recovered in like manner as fines against contractors, and shall also be liable in a civil action for double damages to the county, or any person aggrieved or injured, to be recovered in any court in the county having jurisdiction of the amount claimed. It shall be the duty of the supervisor or overseer and his assistants, and of all constables, town marshals

Penalties for injuring or obstructing roads, bridges and signs.

and sheriffs, to report promptly to the county judge or some justice of the peace all violations of this act.

§ 50. In all prosecutions under this act, the parties Trial by jury. shall be entitled to trial by jury. In all cases, when the party is fined more than fifty dollars, an appeal shall be to the circuit court. Either Commonwealth or defendant may prosecute the appeal; the appeals to be taken as now provided by law.

Opening roads into another county.

§ 51. Whenever the route of a proposed new road commences in one county, and running partly through another, finally terminates in that in which it commenced, and then, in all such cases, the county court of that county in which said road begins and terminates, shall have the right to appoint commissioners to view the entire route in both counties, and shall have jurisdiction to open and establish the same, as now provided by law, in cases where the road is wholly within the limits of one county.

Tax collector to pay out the road and bridge funds in discharge of the liabilities of the county for work on roads and bridges (including pay of contractors, hire of hands and teams, cost of implements and material, and provender for teams, pay of overseers, and all necessary expenses in and about keeping the roads in good order, and building and repairing bridges, and so forth), but in no case shall he pay out any of said money, except upon the order of the supervisor (specifying what for), with the indorsement thereon of the county judge of his approval, or when no supervisor, upon order of the overseer or commissioner having charge so indorsed. The collector shall have blank forms of such orders printed in duplicate and numbered, and he shall retain a duplicate of each order given by him, and the number thereof, which he shall exhibit and return to the levy court when required by order of said court.

§ 53. The supervisor, upon the order of the county judge, entered on the order-book of his court, shall

Let out, by written contract, to the lowest and best bidder, the grading or cutting down of any hill or hills upon the public roads, specifying in the contract the amount and character of such work, how to be done and when completed, and setting forth the amount to be paid therefor, either in gross or by the yard, and requiring of the contractor bond, with approved surety, for the performance of the contract, such bonds to be returned to the county court clerk, and by him kept as other road contractor's bonds; and said bonds may be enforced and proceeded upon as other road bonds. The supervisor shall receive such work, if done as required, and certify the fact, and give an order for the money, which order is to be indorsed "approved" by the judge, and paid by the tax collector out of the road or other funds provided for the purpose. If ordered as aforesaid by the judge, the supervisor may hire hands or work convicts or delinquent tax-payers in grading hills; and the pay of hired hands shall be upon order as aforesaid. If there be no supervisor, the fiscal court may order such work done in the manner provided in this section by the county judge or a commissioner appointed by it.

§ 54. The fiscal court of each county may, by an order duly entered of record, provide for procuring, planting, protecting and caring for shade trees on any of the public roads in each county, and may pay for the same out of any unexpended moneys belonging to the road or bridge fund of the county, or may agree with tax-payers to do such work at a stipulated price, and allow such person credit on their road and bridge taxes. It shall be the duty of the supervisor, his assistants and overseers, respectively, to look after such shade trees, and to report to the county court judge all injuries to or destruction of the same, or of any box or other protection placed around or near the said trees, or of any violation of the regulations made by the court for the preservation of the same.

Shade trees to be protected, &c.

And any person who shall intentionally or carelessly destroy or injure any of such trees, or the boxes or other protection to the same, shall, for each offense, be fined not less than two dollars and fifty cents nor more than twenty dollars, to be recovered on warrant issued by, and returnable before, and to be tried by the judge of the quarterly court.

§ 55. The fiscal court of each county is authorized and empowered to have wells or cisterns made at such points on the public roads in said county as it may deem necessary, for furnishing water to work-beasts employed in hauling or in travel over said roads, and other stock traveling on roads; and to have suitable pumps, buckets, pipes and troughs provided at such wells or cisterns for furnishing water to such beasts; and may provide means to utilize the water from any spring, pond or running stream for such purpose: *Provided, however,* The rights of the owners of such springs, ponds or running streams be protected, and compensation, if required by the owner, be made as now provided by law in regard to condemning private property for public use. The county court shall have such watering places kept in good repair.

§ 56. Any person injuring any such well, cistern, pump, trough, pipe, bucket or other means of watering stock, as provided for in the preceding section, shall be fined for each offense not less than five nor more than fifty dollars, to be recovered by warrant before the quarterly court, and the offender may be imprisoned and required to labor on streets or roads, unless the fine be replevied or paid.

§ 57. It shall be the duty of the supervisor, his assistants and the overseers of roads, to report all offenses against the preceding provisions for shade trees and watering places.

§ 58. The supervisor may be authorized, by order of the fiscal court, at any of its regular terms, to appoint assistant supervisors to aid him in the discharge of his duties, and especially in supervising grading of hills

and the working of roads by hired hands, convicts and delinquent tax-payers. The court shall, by order, fix the amount of compensation per day or by the month of such assistants ; and the supervisor shall make a report to the levy court at its October term each year of the number of assistants employed by him, and the length of time each has worked, and shall give orders for their pay, to be approved and paid as other road orders.

§ 59. In cases of emergency the county judge may have any bridge (kept up by the county) repaired or a new one built ; but he shall make no contract for such work or for any work on any bridge exceeding five hundred dollars, without first calling together the fiscal court and laying the matter before them ; and it shall be their duty, in such cases, to make immediate provision for the emergency.

§ 60. The fiscal court shall fix and appropriate money to pay a reasonable compensation to the road supervisor annually, and to any assistant supervisor or special commissioner or other person appointed, or authorized to be appointed, by it for the service rendered by such person.

§ 61. It shall be the duty of the county attorney to make diligent inquiry as to any violation of this law, and cause such proceedings to be instituted as are provided herein when such violation is ascertained. It shall be his duty to attend in person and prosecute all offenses under this law.

Approved March 10, 1894.

CHAPTER 48.

AN ACT relating to the Asylums for the Insane, and the Institution for Feeble-minded Children, supported by the State.

ARTICLE I. General provisions concerning.

ARTICLE II. Asylums for the Insane.

ARTICLE III. Institution for Feeble-minded Children.

ARTICLE I.

General Provisions Concerning.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. The charitable institutions herein mentioned are continued under their present organization and the control of their present commissioners; and the commissioners, superintendents and other officers shall hold their respective offices for the term for which they were respectively appointed, but subject to removal according to law. Each institution is declared to be a body-politic and corporate, for the benefit of the State, under the following corporate names: That at Lexington, by the name of the "Eastern Kentucky Asylum for the Insane;" that at Lakeland, by the name of the "Central Kentucky Asylum for the Insane;" that at Hopkinsville, by the name of the "Western Kentucky Asylum for the Insane;" that at Frankfort, by the name of the "Kentucky Institution for Feeble-minded Children;" and by such names each of said institutions shall have perpetual succession; may sue and be sued, contract and be contracted with, have and use a common seal, receive any gift or devise in aid of the objects of the institution, and shall have all other rights and powers consistent with law and incident to corporations, and which are necessary and proper for carrying out the purposes for which it is established. The said institutions are severally in-

vested with the title of the property and the rights of action now held by them respectively.

§ 2. The Board of Commissioners for each of said institutions shall be composed of nine discreet men, each residing in the county in which is located the institution for which he is commissioner. The commissioners shall be appointed by the Governor, by and with the advice and consent of the Senate, and he shall fill vacances that happen in the recess of the Senate by granting commissions, which shall expire at the end of its next session. The term of office of each commissioner shall be six years, and until his successor is appointed and qualified ; and they shall remain divided into three classes as at present constituted, the successors of each class, as their respective terms expire, to be appointed as herein provided ; and each commissioner, before entering upon the duties of his office, shall take oath to faithfully discharge the duties thereof.

§ 3. The commissioners shall elect one of their number president of the board. A majority shall constitute a quorum, but a concurrence of a majority of all the board shall be necessary for the allowance of any claim or the transaction of any other business ; and such proceedings shall not then be binding until the record thereof shall have been approved by the president and countersigned by the secretary. They shall have the general management and control of all the lands, buildings, funds, books, papers and other effects and property of their respective institutions, and shall cause them to be used and applied in the way best calculated, in their judgment, to promote the objects for which the institution was established. They shall cause all State appropriations to be used as directed by law, and all private donations and grants to be sacredly applied to the purposes specified by the donors or the grantors ; but the State reserves full control over the institutions, their officers and affairs.

They may make such by-laws and regulations, not inconsistent with law, as they deem necessary for the government of the institution, and of all officers and employes connected therewith.

§ 4. The secretary or treasurer shall not be a member of the board of commissioners, and no commissioner or other officer shall sell any thing to the institutions or make with them any contracts in which he is directly or indirectly interested, nor shall the office of secretary and treasurer be held by the same person.

§ 5. They shall keep a record of all their proceedings, which, together with the books of the secretary, treasurer, steward and other officers, and all books and papers of the institution, shall always be open to the inspection of the superintendent, any commissioner, the Governor, a committee of the Legislature, or any person appointed either by the Governor or the Legislature for their examination. They shall require the superintendent, assistant physicians, steward, receiver, treasurer, secretary and matron to each take an oath, in the presence of the board, to well and truly discharge the duties of their respective offices, and the fact that such oath has been administered shall be entered on the records.

§ 6. The fiscal year of the institutions shall begin October first and close September thirtieth, and the superintendent and board of commissioners of each institution shall, during the month of October in each year, make a report to the Governor of the condition of the institution under their charge, exhibiting the amount of income and expenditure, and from what source the income was received, and for what the expenditures were made, the number of the inmates received and discharged, or left during the year, with such other facts and suggestions as they deem important, which report the Governor shall communicate to the Legislature at its next regular session.

§ 7. The president of each board of commissioners

and the superintendent of each institution shall, every three months, jointly certify, under oath, to the Auditor of Public Accounts the number of inmates actually supported by the institution, specifying the number who do not pay any thing, the number who pay in full, and the number who pay in part, and the amount so paid, as well as the amount of any unexpended balance of the State appropriation over and above the debts and liabilities existing against the institution ; and thereupon the Auditor shall draw his warrant on the State Treasurer in behalf of such institution for the amount allowed by law for the support of each non-paying inmate, and for so much in addition as will, when added to the sum paid by those partially dependent on the charity of the State, be equal to the amount allowed for each non-paying inmate. Out of the annual appropriation made the board of commissioners shall pay for all repairs to and expenses of the institution, and the salary and wages of all officers and employes, but not the expenses of conveying persons to the institution ; and they shall incur no liability on behalf of the State for any purpose, beyond the amount received from the Treasury and from pay inmates. The Auditor shall estimate any unexpended balance reported by the president and the superintendent of each institution as a part of its next quarterly allowance, and draw his warrant only for a sum sufficient, with said balance, to make complete the sum allowed by law for each quarter.

§ 8. The board of commissioners of each institution shall keep the buildings and furniture of the institution constantly insured, and the amount of premiums on such insurance shall be certified to the Auditor by the superintendent and president of the board of commissioners, and thereupon the Auditor shall draw his warrant for the amount upon the State Treasury, payable to the superintendent.

§ 9. The superintendent shall examine all claims

and accounts against their respective institutions, and report any fact or circumstance indicating any irregularity, fraud, or wrong, to the board of commissioners; and if they have any doubt of the justice or legality of any claim, they may require both the superintendent and the steward to indorse their opinions in writing on the back thereof; and it shall be the duty of said officers to indorse any claim when required by the board to do so; and the board of commissioners shall not direct any claim, or part thereof, to be paid until they are satisfied, from such investigation as may be necessary, that the same is just, legal and right; and no claim of any kind shall be paid, in whole or in part, whether presented by an officer of the institution or other person, until it shall have been first examined and approved by the superintendent, and submitted to the board of commissioners and determined by them to be just and right, and directed to be entered on the record of its proceedings; and the president shall not issue any warrant on the treasurer except for the amount of claims which have been so submitted to the board, allowed by it, and ordered to be paid.

§ 10. Whenever the president shall issue a warrant, he shall cause the number, date and amount thereof, and the name of the person in whose favor it is made, to be entered by the secretary in a separate book kept for that purpose; and whenever he shall receive any money for the use of the institution, he shall cause the same to be entered by the secretary in said separate book, but in a different part of it, stating the amount of money, and when and from whom received, and thereupon he shall deposit said money and other means (of whatever character they may be) with the treasurer, and take his receipt therefor, and preserve it as a voucher.

§ 11. The treasurer of each institution, before acting as such, or receiving any funds of the institution, shall execute covenant to the Commonwealth in

the sum of thirty thousand dollars, with sufficient sureties, approved by the board of commissioners, and by the respective county judges of the county in which the institution is situated, for safe-keeping and proper disbursement and appropriations of all money and other means and effects which may come to his hands as such, and for the faithful discharge of all other duties devolved upon him. These covenants shall be renewed once in every year, and oftener if required by the board. Suit for any breach thereof may be brought in the name of the Commonwealth for the use of the institution, or any other person interested, upon order of the board of commissioners.

§ 12. The treasurer, under order of the board of commissioners, shall receive from the Treasurer of the State all moneys appropriated for the use of the institution, and receipt to him therefor. It shall be his duty to receive, collect, sue for and pay out all moneys due and belonging to the institution. He shall make to the Governor and the board quarterly, under oath, a report of the financial condition of the institution, including a detailed statement of the income and expenditures for the quarter, and shall keep true and complete books of account of all his financial transactions incident to the management of the institution, specifying from what source all money is received, and for what purpose expended, and shall, in December of each year, settle his accounts with the Auditor, and file the receipt of the Auditor with the board of commissioners at its next meeting.

§ 13. He shall keep all the money coming to his hands as treasurer to his credit as such in one of the banks incorporated by the laws of this Commonwealth. It shall be unlawful for him to appropriate any part of it to his own use, or lend any of it to any other person, or to pay out or disburse any of it, whether in liquidation, in whole or in part, of any claim against the institution, or for any subject whatever, except upon the warrant of the president, countersigned by

the secretary, or to check or draw any of it out of bank, except for the payment of such warrants after they have been drawn; and for any violations of these prohibitions he and his sureties shall be liable on his official bond for the amount of the sum so unlawfully appropriated, lent, paid, disbursed, checked or drawn out, with ten per cent. damages; and it shall not be lawful for the officers of such bank to pay out said money, or any portion thereof, unless the checks therefor are signed by the said treasurer, and countersigned by the president of the board of commissioners.

§ 14. The steward of each institution, by direction of the superintendent, shall purchase and furnish to the institution all needed supplies of every description, and shall consult him as to the character, quantity and quality of all such supplies. They shall be bought where they can be bought cheapest, due regard being paid to quality as well as price. He shall not draw on the treasurer for money to pay for such supplies, in whole or in part, but shall cause itemized accounts of the same to be made, in the name of the sellers, against the institution, setting forth separately the date of purchase and the name and price of each article purchased, and shall present the accounts, indorsed by the superintendent, to the board of commissioners for allowance; and he shall carefully enter in a book kept for that purpose the number, dates and amounts of the warrants issued by the president for payment of the accounts for supplies purchased by him, and the name of the persons in whose favor they are made.

§ 15. He shall have charge of the farm and garden attached to the institution, and shall have and control the cultivation and management of the same, subject to the regulation of the board of commissioners. Within the first week after entering upon his duties, he shall take and file with the commissioners a complete inventory of all the crops on hand, live stock, farming utensils, vehicles and all other effects properly

pertaining to the farm and garden, and shall preserve and be responsible for these and for all subsequent products of the farm and garden, and all other stock and effects that may come into his charge in the management thereof, and none of them shall be taken therefrom without the knowledge and consent of the superintendent.

§ 16. It shall be his duty to furnish for the institution such supplies from the farm and garden as can be provided therefrom, and to present monthly to the secretary written statements of the kinds, amounts and market value of the supplies furnished, verified by certificates from the officers through whose hands they have passed. These statements shall be entered in the books of the secretary and steward, and filed and kept by the latter as vouchers. No stock or produce of the farm or garden shall be sold by the steward without authority from the board of commissioners, and when sales are made he shall pay and deliver the proceeds to the treasurer, and take his receipt therefor, specifying what was sold, to whom, and for what price. These receipts shall be recorded in the books of the secretary and steward, and filed and kept by the latter in his office as vouchers.

§ 17. It shall be the duty of the steward to keep a complete record of all his official acts, and to report them to the superintendent monthly, together with a statement of the condition of the farm and garden, and the number, character and condition of the stock under his care and control. He shall annually, during the month of November, make and render to the board of commissioners a true and perfect inventory, verified by oath, of all the personal property of every description belonging to the institution, with the estimated value of the various articles. Each steward shall make out his monthly report to the superintendent according to the following form, and shall, in addition thereto, report such facts as may be necessary and proper, and which are not covered by the form :

Statement of steward, showing, under appropriate

heads, the expenses of _____ for the month of _____, one thousand eight hundred and ninety—:

Pay-roll {	Salaries
	Wages
Breadstuffs	
Building and repairs	
Books, stationery and printing	
Board refunded	
Clothing	
Drugs and medicines	
Dry goods	
Expenses on live stock	
Fruits and vegetables	
Fuel	
Furniture, household and kitchen	
Freight and express on general merchandise and supplies	
Funeral expenses	
Farm expenses	
Garden expenses	
Groceries	
Ice	
Insurance	
Lights	
Laundry	
Labor, not included in pay-roll	
Milk	
Meats, including fowls and game	
Postage, telegraph and telephone	
Spirituous liquors	
Soap	
Seeds	
Traveling expenses	
Vehicles, tools and implements for farm and garden	
Amusements	
Total expenses for which warrants were issued	
Products of farm and garden for which no warrants are issued	
Grand total	

_____, Steward.

§ 18. Before entering on the duties of his office, he shall execute a covenant to the Commonwealth, with good sureties, worth four thousand dollars, to be approved by the board of commissioners, for the faithful discharge of his duties, which covenant shall be filed and preserved by the secretary, and renewed annually.

§ 19. The commissioners, and all officers and servants of each institution, shall be exempt from militia duty, from working on the public highway, and from serving on any jury. Nor shall the officers and servants be required to give personal attendance as witnesses in any civil suit out of the county in which the institution is situated, but their depositions shall be taken in lieu thereof.

§ 20. It shall be the duty of the Governor, whenever, in his opinion, the interest of the Commonwealth demands it, to direct the State Inspector and Examiner to inspect the books and accounts of either institution, and report its true financial condition and management as respects receipts and disbursements, and the propriety thereof.

ARTICLE II.

Asylums for the Insane.

§ 1. There shall be for each asylum a medical superintendent, and first, second and third assistant physician, each of whom shall be a skillful physician, and a steward. These officers shall reside in the asylum. They shall be appointed by the Governor, by and with the advice and consent of the Senate; and he may fill vacancies that happen during the recess of the Senate by granting commissions that shall expire at the end of its next session. Their term of office shall be four years; but they shall be subject to removal by the Governor at his discretion.

§ 2. In case of sickness or absence of the superin-

tendent, his duties shall be discharged by the first assistant physician, and if he be absent or sick, then by the second assistant physician, and so forth.

§ 3. The salary of each superintendent shall be two thousand dollars per annum; the salary of each first assistant physician shall be twelve hundred and fifty dollars per annum; the salary of each second assistant physician shall be one thousand dollars per annum; the salary of each third assistant physician shall be eight hundred dollars per annum; the salary of each steward shall be eleven hundred dollars per annum; the salary of each treasurer shall not exceed five hundred dollars per annum, and the salary of each receiver shall be six hundred dollars per annum.

§ 4. The commissioners shall hold regular meetings at the asylum at least once in each month, and oftener if the interests of the institution shall require. Meetings may be called by the president or any two commissioners. They shall maintain a vigilant inspection of the asylum, for which purpose one of them shall visit it every week, two in each month, a majority in each quarter, and the whole board once in every six months, in the manner and at times prescribed by the by-laws. The visiting commissioners shall note in a book kept for the purpose the date of each visit, the condition of the patients, the asylum as well, with such remarks as may be deemed necessary. Any commissioner who can not or will not comply with his duty as visitor for three months shall vacate his office, and the president shall report the same to the Governor, who shall fill the vacancy.

§ 5. They shall appoint a secretary and treasurer for the term of four years, and may remove them at their discretion, and fill their places with others.

§ 6. The medical superintendent shall have the general management, supervision and control of the patients, subject to the regulations of the board of commissioners, and shall devote his entire time thereto. He shall keep a register of all patients,

showing their names, ages, residences, dates of reception and discharge or death, by whose authority received or discharged, and whether they are pay patients or paupers. He shall keep, or cause to be kept by the assistant physician, a "case book," in which shall be entered a history of the case of each patient received into the asylum, as far as it is possible to make out such history from credible information; also the condition at the time of admission, together with a detailed statement of medical treatment; and an "accident book," in which shall be recorded a statement of all accidents or injuries, whether serious or slight, to any of the patients of said asylum, whether self-inflicted or occurring otherwise, together with a statement of the causes of such accidents or injuries; and also the names, if any, of the persons who have been witnesses thereof; and a "restraint record," which shall show the name of each patient within said asylum subject to restraint by belts, gloves, muffs, camisoles, cribs, or other mechanical restraints, including seclusion and chemical restraints to allay excitement; also the character of said restraint, when and how long employed in each case, by whose authority, and also the reasons for using the same. Mechanical restraint should not be applied in any case without the express direction and under the supervision of one of the physicians in charge of said hospital, nor shall restraining apparatus be kept upon the wards when not in use. Said restraint record shall also show the number of attendants on duty in each month, and whether the same was sufficient or more than sufficient for the protection and well-being of all patients in the asylum. Each of said books shall be laid before the commissioners of the asylum at all monthly meetings of the board, and shall be filed and kept among the records of the asylum.

§ 7. The superintendent shall also make monthly reports to the board of commissioners, showing the

number of deaths occurring among the patients, the causes thereof, and the names of the deceased ; also a record showing all escapes, recoveries and removals of patients.

§ 8. It shall be the duty of the superintendent to appoint a receiver, to be approved by the commissioners, who shall give bond, with good security, to be approved by and filed with the commissioners, for the faithful discharge of his duties, and whose duty it shall be to receive all goods and supplies of any and all kinds purchased for the use of the asylum ; take charge of them ; see that they correspond with the bills accompanying them in character, quantity and quality, weigh or measure the same, and distribute them to each and every department of the asylum as the superintendent may direct by written order ; and in a book for the purpose open an account with each and every department, charging therein cost price for all goods so received and distributed. The book shall be open at any and all times for the inspection of the superintendent and commissioner, the Governor, a committee of the Legislature, or any person appointed by either for the examination.

§ 9. The superintendent shall appoint all such other inferior officers and employes, not otherwise provided for, as he may deem necessary for the proper management of the institution, and he may remove any of them at pleasure and fill their vacancies with others.

§ 10. All pauper idiots, epileptics and harmless incurable lunatics shall be returned by the asylum in which they may be confined to the several counties from whence they were sent, and delivered into the custody of their friends, if any ; if not, then to the county judge, or, if they be resident of and sent from the city of Louisville, then to the mayor of that city, who shall make suitable provision for their keeping out of the annual appropriation allowed for such persons ; and said asylums shall, as soon as may be, send each paying patient of the aforesaid class to the coun-

ties of their residence, or whence they came. The president of the board of commissioners, and the superintendent and one other commissioner, to be from time to time appointed as necessity may arise, shall act as a commission to pass upon such cases as the superintendent may propose to send back. They shall investigate each case carefully, and if they all concur in the opinion that an inmate can be safely sent back, they shall order such patient returned to the county from whence he was sent, and shall deliver with him a certificate of the finding of the committee. If he is a pauper, he shall be delivered to the county judge or the mayor of Louisville, as the case may be; and if he is a pay patient, to his committee or friends. The court or person to whom such inmate is delivered shall take such steps to provide for him as are required by law.

§ 11. The cost of returning pay patients shall be paid by their committee or friends or relatives, willing and able to pay; and the cost of returning pauper inmates and such pay inmates as the money can not be collected from the committees of, shall be paid by the Auditor, upon the certificate of the superintendent.

§ 12. The capacity of each asylum shall be reported by the board of commissioners to the Governor, who shall, in his discretion, order patients to be transferred from one asylum to the other to prevent one from becoming more crowded than the other.

§ 13. Whenever the number of patients sent to either asylum is greater than can be properly accommodated, cared for in that institution, and there is at the time capacity for the reception and care of the patient at either of the other asylums, it shall be the duty of the commissioners and superintendent of such other to receive as many of those rejected at the former, for want of room, as can be properly accommodated. When, upon application to the proper asylum, the patient is rejected for want of room, immediate ap-

plication shall be made to another. The Governor is empowered and directed to take care that each of the asylums is kept full to its utmost capacity, of such patients as are receivable by it, as long as any such patients in the State are unprovided for, and that each receives its due proportion of the patients in excess of the ordinary capacity of the asylum; and white and colored patients shall not be kept in the same buildings.

§ 14. No order shall be made by any court or officer for sending a pauper idiot to an asylum, nor shall such idiot be received therein unless the jury, by their verdict, on the inquest, shall find that he is so dangerous or uncontrollable that he can not be safely and properly kept by a committee within the county.

§ 15. The superintendents of the several asylums shall have the right and authority to permit the family or friends of patients, whose condition of mind and health is such, as in the opinion of such superintendents may be taken care of and treated properly outside of an asylum, to be taken from the asylum, either permanently or for such length of time as the superintendent may deem prudent.

§ 16. Under no circumstances shall it be permitted that, by the reception of pay patients from other States, the asylum be so crowded that any delay shall be incurred in the immediate reception of patients resident in this Commonwealth, either paying or pauper; and no patient who has not been found to be insane by regular inquest, shall be received into either asylum. Nor shall any patient be discharged as cured unless by the authority of the superintendent. Any cured patient who was committed to the asylum while in custody of the law upon a criminal charge shall be delivered to the keeper of the penitentiary, or to the jailer of the county whence he came, as the case may require. A cured pauper, before being discharged, shall have a good suit of clothes, and be furnished with money enough to pay

his traveling expenses back to home, not exceeding twenty dollars.

§ 17. The commissioners may charge for board of paying patients the same as is allowed by the State for pauper patients; but the superintendents may provide special comforts for pay patients at an additional rate, not exceeding five dollars per week, if such are contracted for by their committees.

§ 18. No patients, except those who are paupers according to the definition of "pauper" in this statute, or who have been or may be sent to the asylum by order of the court, upon an acquittal of crime on the ground of insanity, shall be received or retained in either of the lunatic asylums of this State, unless six months' board be always paid in advance, and the board for the residue of the time they may remain in the asylum be secured by the obligation of one or more sufficient residents of this State; and the court or officers shall make their orders for the committal of all patients (with the above exceptions) to the asylums, conditioned upon such prepayment being made and security given. But if the patient be discharged or die before the expiration of the six months paid for, a proper proportion of the amount paid shall be refunded.

§ 19. An insane person shall be held to be a pauper if unable to pay six months' board in advance, or, if married, be unable to pay said board besides providing for others naturally dependent; or, if a minor, the parent of said persons are unable to pay board besides supporting others naturally dependent on them. The court holding the inquest shall require the jury to return a finding on this subject, and the verdict shall be binding upon the superintendent.

§ 20. Where patients, who have been or may be supported in either of said asylums, have or shall acquire estate which can be subjected to debt, the board of commissioners of such asylum, when reliably informed of the fact, is authorized and directed, in every such

case, to sue for, in the name of the asylum, and recover the amount of such patient's board, at the rate of two hundred dollars per year, or so much thereof as such estate will suffice to pay for the time they shall have been respectively kept and maintained therein, and not otherwise paid for, and by proper proceedings to subject their estates, respectively, to the payment thereof; and when the husband, wife or parent of any such patient, who has been or may be supported in either asylum, shall have estate sufficient for the support of such patient, in addition to the support of any others who may be dependent on such husband or parent, in like manner to sue and recover from such husband the amount of his wife's board, and, from such parent the amount of his or her child's board, at the rate aforesaid, for the time they shall have been respectively supported by such asylum. The net sum realized in such suits shall be paid over to the State Auditor, who shall cover into the Public Treasury. In case of failure of suits, the expenses therefor shall be certified by the superintendent to the State Auditor, who shall provide for its payment out of the State Treasury.

§ 21. The Auditor of Public Accounts shall prepare and furnish each superintendent proper blanks for reporting estates of non-paying inmates, which blanks, with the name of such inmate, shall be sent each year to the county judge of the county from which such inmate was sent; and it shall be the duty of said judge, once in each year, to ascertain and report to the superintendent the facts in regard to the estate of such inmate.

§ 22. The expenses of conveying pauper patients to the asylum shall be paid to the person conveying them by warrant of the Auditor on the Treasurer of the State, the sum due for conveyance to be certified by the superintendent of the asylum to which the patient is carried. Only one person shall be paid out of the State Treasury for conveying any patient. If the

court shall order as necessary an additional guard, his expenses shall be paid by the county, and the costs shall not exceed six cents per mile for the guard or guards and patient, each, going, and six cents per mile for the guard returning, the distance to be estimated by the nearest usual route of travel. If the patient can not be received by the asylum, six cents per mile for his returning shall also be allowed; but no allowance for expenses of either guard or patient to or from the asylum shall be made unless either an application has been made first by letter to the superintendent or an order of court made to carry the patient to the asylum immediately on account of violent and dangerous character.

§ 23. If the necessities of the institutions should demand the temporary employment of additional physicians, the board of commissioners may order the employment of not exceeding two, who may thereupon be appointed by the superintendent, by and with the advice and consent of the board. Their employment shall be subject to be terminated by the board when it thinks proper.

§ 24. Lunatics and idiots resident in Kentucky, and found in the counties of Pendleton, Harrison, Scott, Franklin, Anderson, Mercer, Boyle, Garrard, Rockcastle, Laurel, Knox and Bell, or any county east of these, when sent to an asylum, shall go to and be received under legal requirements by the Eastern Kentucky Asylum for the Insane at Lexington, if there be room therein. Those found in any county west of these and east of the counties of Hancock, Ohio, Butler, Warren and Allen, shall be sent to and in like manner be received by the Central Asylum for the Insane; and those found in the counties last named and the residue of the State shall be sent to and in like manner be received by the Western Kentucky Asylum for the Insane.

§ 25. Each superintendent and assistant physician

shall be entitled to comfortable furnished quarters and meals for themselves and their families at their respective asylums. Each steward shall be entitled to his meals and lodging in the asylum, and to a residence on the premises for his family, if he have any; no commutation, however, shall be allowed in lieu of said meals and quarters, nor shall said officers be entitled to or receive, directly or indirectly, any other or further perquisites or compensation for their services; and any officer, employe or other person connected with any of said asylums, who shall use or authorize the use of any money or other thing of value for private purposes authorized by law, shall be amenable to the punishments now provided for such offenses, and, in addition thereto, shall be reported by any person cognizant of the fact to the Governor, who shall remove, or cause to be removed, from the employment of the State, any person willfully guilty of said offense.

§ 26. The allowance to each patient, to be paid in the manner provided in article one of this chapter, shall be one hundred and fifty dollars per year.

ARTICLE III.

Institution for Feeble-minded Children.

§ 1. A medical superintendent and steward for this institution shall be appointed by the Governor, by and with the advice and consent of the Senate, for the term of four years, and until their successors are appointed and qualified, unless sooner removed by the Governor, who may fill vacancies arising from any cause during the recess of the Senate by granting commissions that shall expire at the end of its next session.

§ 2. The superintendent shall reside in the institution, and receive, in addition to board and lodging for himself and family, an annual salary of fifteen hundred dollars per year, payable monthly. The steward shall receive an annual salary of one thousand dollars.

payable monthly, and shall reside at a convenient distance to the institution.

§ 3. The office of secretary and treasurer shall not be held by the same person, nor shall either be a member of the board of commissioners; they shall be appointed by the commissioners for a term of four years, as shall all other inferior officers and employes not otherwise provided for; and all appointees of the commissioners shall hold their office at the pleasure of the board.

§ 4. The board of commissioners shall meet at least once in each month for the transaction of business, and oftener if the interests of the institution require it; meetings of the board may be called by the president or any two members. They shall maintain a vigilant inspection of the institution, for which purpose one of them shall visit it every month, and the board twice a year, at such times as the by-laws may prescribe. The visiting commissioner shall note in a book kept for the purpose the date of each visit, the general condition of the institution and its affairs, as well as such remarks as may be deemed necessary. Any commissioner who will not or cannot comply with his duties as visitor for three months shall vacate his office, and the president of the board shall report the same to the Governor, who shall fill the vacancy.

§ 5. The ages of children received into the institution shall not be less than six nor more than eighteen years, and all feeble-minded children in the State between said years, whose mental condition is such that, in the judgment of the superintendent, they may be taught to read and write, or can be educated or trained to do work, may be admitted to the institution upon the inquest of a jury, who shall find the facts concerning such person as provided in cases of inquest of lunacy. A copy of the inquest shall be sent with the child to the superintendent. The superintendent, with the consent of the board of commissioners, shall return to the county judge of the county

from which they are sent, after reasonable notice to him, all pupils that, in their opinion, further attempts to educate and train will not prove beneficial to the State, and shall, with his annual report to the Governor, state the facts concerning any child so returned, and it shall be the duty of the county judge to whom a child is returned to make such provision therefor as may be provided by law. If the parent, guardian or person sending a child to the institution is able to do so, he shall pay the expense of sending as well as removing such child, and shall be notified that his removal is required. Should it at any time appear to the board that there is in the institution a proper subject, under the law, for a lunatic asylum, they shall, with the advice and consent of the superintendent and the approval of the Governor, order such person to be sent to one of the asylums, and the expense of transportation shall be paid as now provided by law for the transportation of lunatics.

§ 6. The transportation of children who are unable to pay for the same in going to or returning from the institution shall be paid by the Auditor on the certificate of the superintendent at the rate of six cents per mile by the nearest usual route of travel; but no expense shall be allowed or paid except on the first reception and final discharge of the child.

• § 7. No child shall be kept or maintained at the institution after he has arrived at such age and mental condition as to be able, in the judgment of the superintendent and board, to provide for himself.

§ 8. It shall be the duty of the superintendent to require of each parent, guardian or person sending the child to the institution, payment of whatever sum per annum he may be able toward the support of such child, and he shall cause to be instituted action against such person for the recovery of the amount due for the support and maintenance, upon the failure to pay the same from those who are able to give it; bond with good security shall be required for the payment

of the amount charged for support and maintenance. The amount to be paid by those who are able to pay shall be the same as that paid by the State for the support of indigent children.

§ 9. There is appropriated annually for the support, maintenance and education of each pupil, the sum of one hundred and fifty dollars, to be paid in the manner and at the time provided in article one of this chapter, and the further sum of seven thousand five hundred dollars per annum, payable quarterly in advance, for the general support of the institution.

§ 10. Owing to the failure of the laws now in force to sufficiently provide for the support, management and maintenance of the institutions herein referred to, an emergency is declared to exist, and this act shall take effect from and after its approval by the Governor.

Approved March 10, 1894.

CHAPTER 49.

AN ACT for the benefit of Central Asylum for the Insane, at Lakeland; the Western Asylum for the Insane, at Hopkinsville; the Eastern Asylum for the Insane, at Lexington, and the Institution for Deaf Mutes, at Danville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated out of the general revenue of the State, not otherwise appropriated, the following sums of money, to wit:

1. For the benefit of the Central Asylum for the Insane, at Lakeland, sixty-five thousand dollars, to be expended by the board of commissioners thereof in erecting, finishing and furnishing buildings on the grounds of said asylum sufficient to provide for and accommodate not less than one hundred and fifty female patients, and not less than one hundred and fifty male patients.

2. For the benefit of the Western Asylum for the Insane, at Hopkinsville, sixty-five thousand dollars, to be expended by the board of commissioners thereof in erecting, finishing and furnishing buildings on the grounds of said asylum sufficient to provide for and accommodate not less than one hundred and fifty female patients, and not less than one hundred and fifty male patients.

3. For the benefit of the Eastern Asylum for the Insane, at Lexington, thirty thousand dollars, to be expended by the commissioners thereof in erecting, finishing and furnishing a building or buildings on the grounds of said asylum sufficient to provide for and accommodate not less than sixty-five female patients, and not less than seventy male patients.

4. For the benefit of the Institution for Deaf Mutes, at Danville, sixteen thousand five hundred and eighty-six dollars and seventy cents, to be expended by the commissioners thereof, to wit :

For new steam boilers, and so forth.....	\$3,684 45
For new hospital.....	2,409 08
For repairs on sewer.....	493 17
For fire escapes.....	4,000 00
For barn.....	2,000 00
For purchase of the Green property.....	4,000 00
 Total	 \$16,586 70

§ 2. The money hereby appropriated shall be drawn on the drafts of the respective boards of commissioners of said institutions, and upon such drafts being made to and upon him the Auditor of Public Accounts shall draw his warrants upon the Treasurer of this State in favor of the treasurers of said institutions, respectively, for any sum or sums of money, not exceeding the amount hereby appropriated to said institutions, respectively : but no part of such money shall be drawn from the treasurer of either of said institutions, except in payments for erecting buildings,

or for materials used therein, or for beds, bedding, and so forth, used in furnishing the buildings hereby authorized to be erected.

§ 3. The chairman of the building committee of each of said boards of commissioners, having charge of said work, shall advertise for bids for furnishing all labor, materials, and so forth, of every kind and description, necessary for the erection and furnishing said buildings, except such labor, materials, and so forth, as may be furnished by the employes or patients of said institutions respectively, and all such bids shall be opened in the presence of said boards respectively, and each of said boards shall accept such bid or bids as they may consider the lowest and best, and if, in their judgment, all or any of such bids shall be unsatisfactory, and said board of commissioners can themselves provide the necessary labor and materials, et cetera, et cetera, or any part thereof, cheaper than by accepting such bids, they shall have the right to do so, in their discretion, and if said labor, materials, et cetera, for erecting or furnishing said buildings, or any part thereof, shall be furnished by contract, such board of commissioners shall retain from the contract price therefor an amount sufficient to secure the faithful performance of any and all such contracts, and shall not pay the same, or any part thereof, until such contract shall have been fully and faithfully performed and accepted, or approved by such board of commissioners.

§ 4. The board of commissioners of said institutions, or either of them, shall not pay or cause to be paid any part of the money appropriated by this act to any contractor or contractors, or other person or persons employed in erecting or furnishing any of the buildings authorized to be erected and furnished by this act, until such contractor or contractors, or other person or persons, shall deliver to such board, or the chairman thereof, an itemized account of all the materials furnished or labor performed, for which pay-

ment may be requested or demanded, which said itemized account shall be approved and indorsed by the architect or receiver employed by such board of commissioners, and verified by the oath of such contractor or contractors, or other person or persons presenting such account for payment, and then, if such account is found to be just and correct, and is approved by such board, the secretary of the board shall note said facts in the form of a certificate on or appended to such itemized account, and the same shall then be paid by the treasurer of said board upon the order of said board, as other accounts or bills or claims against such institution are paid by order of the board of commissioners thereof.

§ 5. The board of commissioners of each of said institutions shall, within three months after completing and furnishing the buildings as herein provided for, make an itemized statement, showing each and every item of expenditure made by such board under the provisions of this act, which said statement shall be duly verified under oath by each member of said board, and through the chairman of the building committee of such board such statement shall be filed with the Auditor of Public Accounts, and the chairman of the building committee of such board shall make a full and complete statement with such Auditor, and account for all moneys appropriated by this act to said institution, and upon such settlement such board of commissioners shall pay back into the Treasury any unexpended balance of the appropriation herein made to such institution which may remain in the hands of the treasurer of such institution.

§ 6. On account of the overerowded condition of each of the three asylums above named and referred to, and the necessity that the money herein appropriated to each of the four institutions above named and referred to shall be applied to the uses and purposes herein provided for at the earliest practicable

date, an emergency is declared to exist, and this act shall take effect from and after its approval by the Governor.

Approved March 10, 1894.

CHAPTER 50.

AN ACT to amend chapter two hundred and fifty of the Acts of one thousand eight hundred and ninety one-two-three, approved February third, one thousand eight hundred and ninety-three, for the government of cities of the fifth class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That chapter two hundred and fifty of the Acts of one thousand eight hundred and ninety-one-two-three be, and the same is hereby, amended by adding thereto the following section:

§ 62. The validity or constitutionality of any city ordinance, by-law or rules of the fifth class cities, shall be tried by a writ of prohibition from the judge of the circuit court in which said city is located, with right of appeal by either party to the Court of Appeals; whereas, under the present charter, there is no provision for the trial of the validity or constitutionality of ordinances, by-laws and rules passed by the various city councils, it is declared that an emergency does now exist, and this act shall become a law upon its passage and approval by the Governor.

Approved March 10, 1894.

CHAPTER 51.

AN ACT to amend section three of an act, entitled "An act to protect citizens of this Commonwealth from empiricism," Session Acts one thousand eight hundred and ninety-one-ninety-two-ninety-three, approved April tenth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section three of an act, entitled "An act to protect citizens of this Commonwealth from empiricism," Session Acts one thousand eight hundred and ninety-one-ninety-two-ninety-three, approved April tenth, one thousand eight hundred and ninety-three, be amended by adding after the words "one thousand eight hundred and sixty-four," the following: "Fourth, satisfactory evidence from any person who was reputably and honorably engaged in the practice of medicine in this State prior to February twenty-third, one thousand eight hundred and eighty-four, who has passed a satisfactory practical examination before said board," so that said section will read as follows:

§ 3. Authority to practice medicine under this law shall be a certificate from the State Board of Health, and said board shall, upon application, issue a certificate to any reputable physician who is practicing, or who desires to begin the practice of medicine in this State, who possesses any of the following qualifications: First, a diploma from a reputable medical college legally chartered under the laws of this State; second, a diploma from a reputable and legally chartered medical college of some other State or country, indorsed as such by the State Board of Health; third, satisfactory evidence from the person claiming the same that such person was reputably and honorably engaged in the practice of medicine in this State prior to February twenty-third, one thousand eight hundred and sixty-four; fourth, satisfactory evidence

from any person who was reputably and honorably engaged in the practice of medicine in this State prior to February twenty-third, one thousand eight hundred and eighty-four, who has passed a satisfactory practical examination before said board. Applicants may present their credentials by mail or proxy, and the board shall issue its certificate to such applicants as are entitled thereto as though the applicant was present. All certificates shall be signed by the president and secretary, and attested by seal of the board, and not more than two dollars shall be charged for any certificate.

Approved March 10, 1894.

CHAPTER 52.

AN ACT whereby the sense of the people of any county, city, town, district or precinct may be taken as to whether spirituous, vineous or malt liquors shall be sold, bartered or loaned therein.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. Upon application, by written petition, signed by a number of legal voters in each precinct of the territory to be affected, equal to twenty-five per cent. of the votes cast in each of said precincts at the last preceding general election, and when for town or city elections, the number of votes cast at the last city or town election, it shall be the duty of the judge of the county court in such county, at the next regular term thereof after receiving said petition, to make an order on his order-book directing an election to be held in the said county, city, town, district or precinct, as the case may be, on some day named in said petition, not earlier than sixty days after said application is lodged with the judge of said court, which order shall direct the sheriff, or other officer of the said county, who may be appointed to hold said election, to open a poll at each and all of the voting places in said county,

city, town, district or precinct on said date, for the purpose of taking the sense of the legal voters of said county, city, town, district or precinct who are qualified to vote at elections for county officers upon the proposition whether or not spirituous, vinous or malt liquors shall be sold, bartered or loaned therein, or whether or not any prohibition law in force in any county, city, town, district or precinct, by virtue of any general or special act or acts, shall become inoperative ; and counties, cities, towns, districts and precincts in which the sale, barter or loan of spirituous, vinous or malt liquors are now prohibited may have a vote thereon under the provisions of this act.

§ 2. It shall be the duty of the county clerk to give to the sheriff of the county, or such officer as may be appointed to hold said election, a certified copy of the order of the county court as it appears on the order-book within five days after said order is made ; and it shall be the duty of said sheriff, or other officer, to have said order published in some weekly or daily paper published in the county for at least two weeks before the election, and also to advertise the same by printed or written handbills posted at some conspicuous place in each precinct in the county for the same length of time, when the election is held for the entire county ; and when the election is ordered to be held only in a city, town, district or precinct of any county, then at five conspicuous places therein for the same length of time ; and in any case, if there is no weekly or daily newspaper published in the county, or the proprietor of such newspaper refuses to publish such notice, the printed or written handbills, posted as before provided for, shall be sufficient notice. The sheriff, or other officer, shall have the advertisement and notices herein provided for posted as herein required within seven days after he receives the order of the county court. All elections provided for in this act shall be held by such officers as would be qualified to hold elections for county officers, and they shall be selected in the

same way, and all elections provided for herein shall be held in accordance with the provisions of the general election laws of the State, except that they shall not be held on the same day with any regular political election, nor within thirty days next preceding or following any such regular political election.

§ 3. If it shall be found that a majority of the legal votes cast at any election herein provided for were given for or against the sale, barter or loan of spirituous, vinous or malt liquors in the county, city, town, district or precinct, it shall be the duty of the canvassing board to certify that fact, which certificate shall be delivered to the clerk of the county court, and by him safely kept until the next regular term of the county court, at which term the judge thereof shall have the same spread on the order-book of his court, and said entry of the certificate in the order-book, or a certified copy hereof, shall be *prima facie* evidence in any or all proceedings under this act.

§ 4. After the entry of the certificate of the canvassing board, as above provided for in the order-book of the county court, if the vote was given against the sale, barter or loan of spirituous vinous or malt liquors, it shall be unlawful for anybody to sell, barter or loan any spirituous, vinous or malt liquors in the said county, city, town, district or precinct, as the case may be, to any person, except as hereinafter provided; and any person who shall sell, barter or loan, directly or indirectly, any such liquors in said county, city, town, district or precinct shall, upon conviction, be fined the sum of not less than one hundred nor more than two hundred dollars for each offense; and any sale, barter or loan of any article, with the agreement, expressed or implied, that the right or title to or possession of any spirituous, vinous or malt liquors shall also pass, shall be considered a sale, barter or loan within the terms of this act.

§ 5. The provisions of this act shall not apply to any manufacturer or wholesale dealer, who, in good

faith, and in the usual course of trade, sells by the wholesale, in quantities of not less than five gallons, delivered at one time, and not to be drunk on the premises ; nor shall the provisions of this act apply to druggists, unless it be written in the petition, notice and order for the election, that the provisions of this law and prohibition shall apply to druggists ; if not so written, then licensed druggists may sell for medical purposes, on a prescription written and signed by a regular practicing physician legally authorized to practice medicine, which prescription shall state the date thereof, the quantity thereof, the quantity prescribed, and the name of the person to whom it is prescribed ; but no physician shall make or sign any such prescription unless such liquor is absolutely required as a medicine ; and any physician who makes or signs any prescription for such liquor or liquors, except as provided for in this section, shall be guilty of a violation of this act, and, on conviction, be fined in any sum not less than fifty dollars nor more than one hundred dollars. It shall be the duty of every druggist to keep an accurate register, in a book kept for that special purpose, of every sale of such liquor made by him, his clerks or employes, which shall show, as to each sale, the date, the quantity, to whom made, and upon whose prescription, which prescription shall be preserved by said druggist for twelve months, and only one sale shall be made on any prescription ; which register shall be open for inspection at all reasonable times by the county or Commonwealth's attorney and the grand juries of the county in which such sales have been made. Any druggist who shall fail to comply with any requirement of this section shall be fined in any sum not less than fifty dollars nor more than one hundred dollars for each failure ; and such failure as to each sale shall constitute a separate offense. The provisions of this act shall not apply to the procurement and use of said liquors for sacramental purposes.

§ 6. The county court shall not make the order for said election until the persons signing the petition have deposited with the county judge, in money, an amount sufficient to pay for printing or posting advertisements as provided for, and the fees of the clerk making entries in the order-book.

§ 7. If, at any election held for an entire county, it shall be found that a majority of the legal votes cast at said election are in favor of the sale, barter or loan of spirituous, vinous and malt liquors, then, in that event, it shall not be lawful to sell, barter or loan any such liquors in any portion of said county where such sale, barter or loan has been prohibited by special act of the Legislature; but such act shall continue in force as if no election had been held; nor shall it be lawful to sell, barter or loan any such liquors in any city, town, district or precinct in said county where, previous to said election, such city, town, district or precinct had already, by vote, prohibited such sale, barter or loan, unless a majority of those voting in a precinct or precincts, town or towns, city or cities, in which the sale, loan or barter shall be prohibited, vote in favor of such sale, loan or barter, then in the precincts, towns or cities so voting, such sale, loan or barter shall no longer be prohibited; and if, at any election held for the county at large, it shall be found that a majority of the legal votes cast at said election are against the sale, barter or loan of spirituous, vinous and malt liquors therein, yet it shall be lawful to sell such liquors in any city, town, district or precinct in said county, where, previous to such election, any city, town, district or precinct had already, by vote, voted in favor thereof, unless a majority of the legal voters voting in such city, town, district or precinct at such election vote against the sale, barter or loan thereof, in which event it shall no longer be continued.

§ 8. If, at any election provided for in this act, a majority of the legal votes cast are against the sale, barter or loan of said spirituous, vinous or malt

liquors, the sale, barter or loan of any such liquors shall be unlawful in such county, city, town, district or precinct, as the case may be, except as hereinbefore provided, unless at a subsequent election held under this act, a majority of the legal votes cast shall be in favor of the sale of said liquors.

§ 9. If, at any election provided for in this act, any person shall vote who is not entitled to vote under the laws of this Commonwealth at elections for county officers, he shall be punished as for a violation of the general laws on elections; and all general laws to protect the purity of elections shall be applicable to this act.

§ 10. The election or elections herein provided for shall not be held for any city, town, district or precinct oftener than once in every three years.

§ 11. It shall be the duty of the judges of the circuit courts to give this act in charge to the grand juries of the counties within their jurisdiction.

§ 12. Upon each day that an election is held under this act all bar-rooms and other places where spirituous, vinous or malt liquors are sold by retail in the county, city, town, district or precinct where said election is being held shall be closed; and it shall be the duty of every person who owns or controls such a place to close and keep the same closed during the whole of said day; and it shall be unlawful during said day for any person in said county, city, town, district or precinct to sell, loan, furnish or give to any person any such liquor, except in such cases as are provided for in section five of this act. Any person violating any of the provisions of this section shall be fined in the sum of one hundred dollars for such offense; and it shall be the duty of all peace officers, under their oath of office, in any county, city, town, district or precinct where such election is being held, to see that this section of this act is enforced on that day.

§ 13. Any election held under this law may be con-

tested as provided for in this section: *First.* The contest shall be heard and determined by the same board which, by law, is authorized and empowered to hear and determine a contest of an election for county officers; and the same provisions of the statutes shall apply to the contest of any election held under this law as are provided for the contest of any election for county officers, except as hereinafter provided. *Second.* Any number of the citizens and legal voters, but not less than ten, of the county, city, town, district or precinct in which the election has been held, shall have the right to contest any election held under this law, and shall be designated the contestants. Such contestant shall, within ten days after the final action of the examining board, file in the office of the clerk of the county court a written statement of the grounds of the contest, and shall cause a copy thereof to be served on the county judge, and shall give notice thereof by written or printed notices to be posted at the court-house door of the county, and in three or more public places in the county, city, town, district or precinct in which the election has been held, and shall cause the same to be published in some newspaper of the county, when possible, for two consecutive issues, commencing not later than the first issue of the paper after filing the statement. When a notice of the contest shall be executed on the county judge, the certificate shall not be recorded. *Third.* Any number of the citizens and legal voters, not less than ten, of the county, city, town, district or precinct in which the election has been held, may resist the contest by filing in the office of the clerk of the county court a statement controverting the grounds of the contestants, and may state any additional grounds to sustain the election, and they shall be designated as the contestees. *Fourth.* Notice for the taking of depositions or other proceedings in such contest may be executed on the person whose name appears first as contestant or contestee, which shall

be deemed notice to all his associates. In case the required number shall fail to appear as contestants, *ex parte* testimony shall be competent before the contesting board. *Fifth.* The trial of the case shall be on the fourth Monday after the filing in the county clerk's office of the grounds of the contest; but the board, for good cause, may allow further time. *Sixth.* The decision of the board shall be given in writing and signed in triplicate. One copy shall be delivered to the contestants, and one copy to the contestants, and the other shall be delivered to the county clerk of the county in which the contest is pending, which shall be entered on the order-book of the county court; and if the decision of the board be that a majority of the legal votes cast at the election were against the sale of such liquors, the entry of such decision shall have the same effect as the recording of the certificates of the examining board as hereinbefore provided.

§ 14. The contestants or contestants shall have the right to appeal from the decision of the board to the circuit court of the county where the contest is pending, in the same way as appeals are taken from the quarterly court to the circuit court; an appeal may also be taken from the circuit court to the Court of Appeals.

§ 15. The cost of the contest shall be adjudged against the unsuccessful parties.

§ 16. The Constitution providing against the enactment of any special laws, where a general law may be made applicable, and there being a pressing and just demand in many sections of the State for a general law for ascertaining the wishes of the people in the sale of spirituous, vinous and malt liquors, an emergency is hereby declared to exist, and this act shall take effect and be in force upon its approval by the Governor.

17. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 10, 1894.

CHAPTER 53.

AN ACT to require persons who make their residence or engage in any traffic or business on boats on the Ohio, Mississippi, Kentucky and any other water-courses of Kentucky, to obtain license, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be, and is hereby, made unlawful for any person to reside and make his or her residence upon any boat or other water craft upon the Ohio, Mississippi, Kentucky or other navigable river or water-course, within this State, for the purpose of residing or engaging in any business, trade or traffic, or for any purpose whatsoever, without first obtaining from the clerk of the county court of the county in which such boat or water-craft is to lie or ply, and such business, trade or traffic or residence is to be carried on, a license so to do, for each head of family, for himself and his family, which license shall only be granted upon satisfactory proof of the good character of the applicant, and the payment of a license fee of five dollars and the clerk's fees for making out such license. Said license shall be good for one year from the date thereof. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and shall be fined not less than twenty-five nor more than one hundred dollars, or imprisoned not less than five nor more than twenty days, or both so fined and imprisoned at the discretion of the court or jury.

§ 2. The license provided for in the first section of this act shall describe the kind or character of the boat or water-craft, the nature of the business, trade or traffic or residence, to be carried on therein, the points at which, or between which, said boat or craft may lie or ply; and on each boat shall be painted, in large letters, on each side thereof, the name of the applicant, the home of the boat, and the date of the expiration of the license.

§ 3. The clerk granting the license shall keep a record thereof showing the name of the licensee, the date of the license, and when the same will expire, and the business, trade or traffic or residence authorized; and for all his services he shall be allowed to charge a fee of two dollars and fifty cents, to be paid by the applicant.

§ 4. The license granted under this act shall be good for one year from the date thereof.

§ 5. The provisions of this act are not meant to apply to any steam vessels.

§ 6. That there being numerous shanty-boats and water-crafts lying along the shores, and plying up and down the Ohio, Mississippi and other rivers and water-courses of the State, engaged in all kinds of unlawful, vicious and immoral practices and vocations, to the great annoyance to the people living along and near such streams, an emergency is hereby declared, and this act shall take effect and be in force from its passage.

Approved March 10, 1894.

CHAPTER 54.

AN ACT authorizing the court of claims and fiscal court of any county in this Commonwealth to appropriate any surplus of money on hand for improving county roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Power conferred upon fiscal court to appropriate surplus money for road purposes, etc.

§ 1. That the fiscal court of any county in this State shall have the power to appropriate any surplus money in its treasury to the grading, graveling or building turnpike, or improving the county roads of their respective counties.

Two districts may unite in building turnpike, &c.

§ 2. That should any magisterial district or districts desire to unite in building a turnpike, it shall be mandatory on the part of the fiscal court to build the same: *Provided*, The citizens of said magisterial district or

districts shall have subscribed one-tenth of the cost of same as estimated by the engineer: *And provided further*, That nothing in this act shall be construed to prevent the fiscal court from building a turnpike exclusive of said subscription if it desires to do so.

§ 3. Said money to be expended by said court in the <sup>How and where
money to be ex-
pended.</sup> magisterial districts of said counties, each district receiving its *pro rata* as to the assessed value of property of said district bears to the entire county.

§ 4. The fiscal court shall appoint three commissioners in each magisterial district, who shall let out the work in their districts to the lowest and best bidder, with the privilege of refusing all bids.

§ 5. The fiscal court may appoint a competent civil <sup>May appoint
civil engineer
and salary.</sup> engineer, at a salary of not more than fifteen hundred dollars per annum, whose duty it shall be to survey and reduce to a certain grade all roads designated by said court to be repaired or constructed, shall have charge and supervise such work.

§ 6. Said commissioners shall have the power to <sup>Power of com-
missioners.</sup> contract for labor, buy or hire teams, machinery and tools with which to prosecute their work; and shall have the right to condemn land as provided now by law when necessary to place the road on better grounds, or to widen, shorten or straighten same.

§ 7. The commissioners shall be appointed by the <sup>Commissioners
shall execute
bond.</sup> county court; they shall execute bond with approved security, approved by the county court, for the faithful performance of duty under this act.

§ 8. The county treasurer, or other officer in charge of such funds, shall pay out the money in their hands on warrants drawn by the commissioners, certified by the engineer, and approved by the county judge, and be credited by all payments so made.

§ 9. That many counties having a surplus fund on hand desiring to use the same at once, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage.

CHAPTER 55.

AN ACT to amend an act, entitled "An act to provide for an efficient system of common schools throughout the State," approved July sixth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to provide for an efficient system of common schools throughout the State," approved July sixth, one thousand eight hundred and ninety-three, be, and the same is hereby, amended as follows, to wit: Amend section thirty-three to read as follows: "He shall have published, for annual distribution throughout the State, the general school laws of the State, abstracts of the decisions of the appellate courts and of the Attorney-General on points of school law and construction thereof, decisions, rules and regulations of the State Board of Education and of the State Board of Examiners; plans and specifications for building school-houses; information and instructions in regard to application of the school law and the management of the common schools; important official and legal periods of the school year, with due notice thereof; and such other important facts and data as may be of interest to the public."

§ 2. Amend section thirty-seven to read as follows: "There shall be a county superintendent of common schools in each county of the State, who shall be possessed of good moral character and of ability to manage the common school interests of the county efficiently. He shall possess a good English education, and shall be competent to examine the teachers who shall apply to teach the common schools in the county. He shall be twenty-four years old at the time of qualifying, a citizen of Kentucky, shall have resided two years next preceding the election in this State, and one year in the county for which he is a

See page 1424,
Session Acts
1891-2-3.

See page 1426,
Acts 1891-2-3.

candidate. No person shall be eligible to the office of county superintendent unless he shall hold from the State Board of Examiners a State diploma or a State certificate, which will not expire during his proposed term of office, or a certificate of qualification of the grade of a county certificate of the first class, which may be granted on an examination held before said board, or upon a written examination held by a special county board, composed of the county judge, county clerk, and a competent person selected by them, upon series of questions for each examination, prepared and forwarded under seal by the State Board of Examiners. The State Board of Examiners shall inclose the questions upon each subject in a separate envelope, with the name of the subject printed or written thereon; shall securely seal the envelope containing the said questions and inclose them in a package, which shall be sealed and forwarded by registered mail to the county clerk, and shall be kept under seal by him till the hour of examination; and the seal shall then be inspected by the other examiners and the applicants for certificates, and be duly opened in their presence. In case of sickness or other disability of either the county judge or county clerk, his duties herein prescribed shall devolve upon and be performed by the county attorney. The examination shall be held in every county on the last Friday in July and August next preceding the election of county superintendents, and the examination may be continued during the following Saturday by examiners if deemed necessary, and the written answers of each examination shall immediately be forwarded by the county judge or county clerk, by registered mail, to the State Board of Examiners, together with a fee of two dollars, which shall be paid to the two examiners, and the sworn statements of the county judge, county clerk, and the person selected by them, that the examination had been conducted in their presence in strict accordance with the provisions of this section,

and that no applicant had, directly or indirectly, received assistance. The State Board of Examiners may, if they deem the answers sufficient, grant a certificate; and if they refuse, it shall notify the county clerk, and no certificate can then be granted said applicant for the election then pending. The said certificate shall not entitle the holder thereof to teach in the common schools. A county superintendent, who has once obtained a certificate of qualification in pursuance of this section, shall not be required to obtain another certificate as a condition of eligibility for re-election, if he has been continuously in office since his election. The members of the special county board shall receive for their services a reasonable compensation, to be allowed by the fiscal court. In counties embracing any city of the first class, maintaining a system of public schools separate and distinct from the common schools of the county, no person shall be eligible to the office of county superintendent other than a resident of such county, outside of such city or town."

§ 3. Amend section forty-six to read as follows: "Any county superintendent who shall knowingly and willfully report to the Superintendent of Public Instruction a number of common schools as having been taught in his county greater than the number of such schools actually taught therein according to law, or a number of children entitled to tuition in his county greater than the actual number of such children, or otherwise knowingly and willfully misstates any fact or facts which he is, or may be hereafter, required by law to report to the Superintendent of Public Instruction, shall be deemed guilty of a felony, and, upon conviction thereof, be fined in a sum not less than two hundred nor more than five hundred dollars, or imprisoned in the penitentiary not less than one nor more than ten years, or both fined and imprisoned in the discretion of the jury, and be removed from office. And all sums recovered from him by due process of

See page 1433,
Acts 1892 2-3.

law, or by a voluntary surrender of the excess taken by him, shall be paid into the school fund."

§ 4. Amend section fifty-seven to read as follows: See page 1437, Acts 1891-2-3.
"For all the services rendered and the expenses incurred by the county superintendent under the provisions of this law, he shall be allowed a salary annually by the fiscal court of his county based on the number of children reported in the census report of the district trustees of such county; which salary shall not be less than eight cents nor more than twenty cents for each pupil child thus reported. Before the court shall allow the salary, it shall be satisfied, from the statement subscribed and sworn to by the superintendent and from such other evidence as may be adduced, that he has visited the schools of the county, and that the said services have been faithfully and efficiently performed according to law. Said salary shall be paid out of the county levy as the salary of the county judge is now paid; and, in his report to the Superintendent of Public Instruction, he shall state the full amount allowed him by the fiscal court for his official services: *Provided, however,* That no salary shall be less than two hundred and fifty dollars nor greater than one thousand five hundred dollars. In fixing the salary of the said superintendent, no child shall be counted or enumerated who is under a city school superintendent of a city of the first, second, third or fourth class. The fiscal court shall furnish the county superintendent with a suitable office, free of charge, large enough to accommodate the county teacher's library."

§ 5. Amend section fifty-eight to read as follows: See page 1438, Acts 1891-2-3.
"In case of the death, removal or resignation, refusal to serve, or inability of the county superintendent elected to give the bond required or to perform the duties of the office, a successor shall be appointed or elected as follows: If the unexpired term will end at the next succeeding annual election, or, if the unexpired term will not end at the next suc-

ceeding annual election, and three months intervene before said annual election, the county judge of each county is authorized to appoint a successor, duly qualified according to section thirty seven of this law, to continue in office until the next succeeding annual election, when one shall be elected for the unexpired term. If the unexpired term does not end at the next succeeding annual election, and three months does not intervene between the happening of said vacancy and the next succeeding annual election; the county judge shall appoint a successor of said qualifications to continue in office until the second succeeding annual election, when one shall be elected for the unexpired term. In case of a vacancy in this office the county judge shall, as soon as practicable, notify the Superintendent of Public Instruction, and request him to appoint a day and furnish questions for an examination to fill said vacancy; and the said examination shall be conducted in a manner prescribed by law. The county court may, at any regular term, after ten days' notice, remove a county superintendent for inability, for habitual neglect of duty, or malfeasance in office. An appeal to the circuit court may be taken from the order of the county court removing the superintendent, and from the circuit court to the Court of Appeals, as in civil actions."

§ 6. Amend section fifty-nine so as to read as follows: "Each county superintendent, when he resigns, vacates, is removed or goes out of office, shall immediately thereafter deliver to his successor, or to the county court clerk for him, any money, property, books, effects or papers remaining in his hands as county superintendent, and within ten days shall settle with the county court, and for a failure to do so shall be fined not less than fifty dollars nor more than one hundred dollars."

See page 1438,
Acts 1891-2-3.

§ 7. Amend section sixty-three to read as follows: "County certificates shall be granted by the county

See page 1442,
Acts 1891-2-3.

board of examiners to persons not under eighteen years of age, upon written examinations upon the science and art of teaching, and upon the subjects embraced in the common school course, including, in connection with physiology and hygiene, the effects of alcoholic drinks and narcotics upon the human system, held in each county of the State for white teachers, upon the first Friday and Saturday in June, July, August, September and November of each year, and for colored teachers upon the second Friday and Saturday of the same months; and no examination shall be held at any other time whatever. No certificate shall be issued upon the days of examination; nor shall any answers be passed upon in the presence of any applicant. The State Board of Examiners shall carefully prepare five series of questions for white teachers, and an equal number for colored teachers, all of the same grade: shall inclose the questions upon each subject in a separate envelope, with the name of the subject plainly written or printed across the seal thereof; shall inclose the several envelopes in a package, which they shall seal and forward by registered mail to each county superintendent at least two weeks before the examination, designating the month for which the same shall be used. The county superintendent shall carefully preserve the said package of questions under seal until the hour of examination; and the seal of the said package shall then be examined by the other examiners and the applicants for certificates, and the package shall be opened in their presence. The examiners shall allot a reasonable time for the examination upon each subject, taking the subjects in the order named in the section specifying the subjects embraced in the common school course; and shall collect the answers of all the applicants when the time allotted has expired; and, after the first subject is presented to the applicants, the said examiners shall not present any other subject, or open the envelope

thereof, until they collect the answers of all applicants to all questions previously presented. The said examiners shall not examine any applicant until they are fully satisfied that said applicant possesses an unexceptionable moral character, and is of the age herein prescribed ; and, in no event, shall a certificate be granted to any person who indulges in drunkenness, profanity, gambling or licentiousness. They shall, during the examination, exclude from the room all persons other than applicants, see that the applicants are seated at a proper distance from each other, and shall take care to see that no assistance is given or obtained by any applicant during the examination, and shall refuse to grant a certificate to any applicant who may either obtain or give such assistance. The county superintendent, and at least one of the examiners, shall be present, and shall conduct all examinations and sign all certificates."

See page 1446,
Acts 1891-2-3.

§ 8. Amend section sixty-nine so as to read as follows: "When two school districts adjoin, it shall be lawful for the children of either of such adjoining districts to be taught in and at such school-houses as may be most convenient to them ; but in such case their per capita or tuition fees shall be paid over to the district in which they are taught, if required by the trustees thereof: *Provided*. The transfer does not shorten the term of the school of the district from which the transfer has been made, and does not interfere with the contract between the teacher and the trustees of either district ; and that no such change shall be made without the assent of the trustees of both said districts in writing, and of the parents of the children transferred. In case of an agreement of the kind provided for in this section, the trustees of the district in which the children were reported shall, before the close of the first month of the school term, notify the county superintendent in writing, or the said transfer shall be void: *Provided further*, That when the district to which transfer is made is

in a different county, the county superintendent of the county from which the transfer is made shall pay to the county superintendent of the county in which the children are taught the money due for teaching them, taking his receipt in duplicate."

§ 9. Amend section seventy-eight so as to read as follows: "Whenever the county superintendent notifies the trustees, in writing, that a school-house, or the inclosures thereof, has been condemned, and needs repairing or additions, or that the furniture or apparatus is insufficient, or, in any case, it becomes necessary to purchase a site to build a new school-house, then, if there be no funds available for such repairing or purchasing, the trustees shall levy a capitation tax, not exceeding one dollar per school-year, for four years, on each male in the district over twenty-one years of age, or an ad valorem tax, not exceeding twenty-five cents on each one hundred dollars' worth of taxable property in the district per school-year, or both a capitation and an ad valorem tax, to be collected as provided in section seventy-nine; and such tax shall be applied to the repairing or making additions, or to the purchase of a site, and the erection and furnishing of a school-house adapted to the wants of said district, or to the equipment of the school-house with furniture or illustrative apparatus. In case of an emergency, the trustees of a district may, in their corporate capacity, borrow a sufficient sum of money to repair or erect and furnish a school-house: *Provided*, The sum so borrowed shall not exceed an amount that can be paid off in four years at the rate of taxation set forth in this section: *And provided further*, That in districts in which school-houses have been built, where a three-year tax was levied and collected and proved insufficient, and where there is any part of the cost of construction of such school-house, or purchasing site upon which to build, or for school furniture remaining unpaid, the trustees shall levy an additional tax sufficient to pay See page 1453.
Acts 1891-2-3.

off all indebtedness. In all suits arising in the collection of taxes under this chapter, the county attorney shall act as attorney for the trustees, and shall receive for such service such compensation as may be allowed by the fiscal court. The amount collected from said district shall be paid out on the order of the trustees. If the trustees of any common school district fail, for the period of one year after the building of the school-house has been properly ordered, to have a good and sufficient school-house in their district equipped with the furniture and apparatus herein prescribed, each of them shall be guilty of a misdemeanor. The county superintendent shall report such failure to the grand jury at its next meeting, and, upon indictment and conviction, each of said trustees shall be fined not less than twenty-five nor more than one hundred dollars, unless he can show a good and satisfactory reason for such failure. Each school-house, including the site, furniture and apparatus, shall have a property value of not less than one hundred and fifty dollars. Each school-house hereafter erected shall have a floor space of not less than ten square feet to each pupil in the district; shall be at least ten feet between floor and ceiling; shall have at least four windows, one or more fire-places, with chimneys made entirely of brick or stone, or a sufficient number of stoves or other heating apparatus, with safe flues, to warm the room in the coldest weather; one or more doors, with locks and keys, which shall be kept during the vacations by the chairman of the trustees, who shall be liable for any damage occurring on account of neglect. The trustees shall furnish each school-house with at least the following articles of furniture and apparatus, and the teacher shall, at the close of the school of each year, deliver a complete inventory of the said articles to the chairman of the trustees: Teacher's desk and chair; a seat, patent or otherwise, with back for each child, the height of the seat and its back to suit the age of the child—no desk or bench to be

made to accommodate more than two children; writing desks for all the pupils; blackboard space of at least fifty square feet; water-stand; and the trustees may furnish gong or call-bell; terrestrial globe; wall-map of the world, wall-map of the United States, and a wall county map of Kentucky, and such charts upon reading, writing, physiology, and so forth, as the trustees may select; and the trustees are authorized to have said houses and furniture insured against damage by fire or other casualty. The expenses incurred from such insurance to be paid out of the funds raised for general district purposes."

§ 10. Amend section seventy-nine to read as follows: See page 1455.
"Whenever there shall be a tax levied in any com-
mon school district, or graded school district, it shall

be the duty of the trustees to appoint a district treasurer, who shall hold his office four years and until his successor is appointed and qualified, unless sooner removed by the county superintendent, which he may do for any failure on the part of said treasurer to discharge his duties as required by law. Before the treasurer shall enter upon the discharge of his duties, he shall execute bond in the name of the Commonwealth of Kentucky, to the board of trustees, in a sum equal to double the amount of taxes to be collected, with one or more sufficient sureties to be approved by the county judge or a justice of the peace, for the faithful performance of his duties; which bond shall be renewed every year. The tax shall be levied on the property of the district as may be assessed and equalized for county taxation immediately preceding the levy by the trustees; and within ten days after said levy, it shall be the duty of the district treasurer, with the assistance of the county superintendent, to make, or cause to be made from the assessor's book, as equalized for county taxation, and the records of assessments of property as filed by the Railroad Commissioners or bond of assessment in the office of the county clerk, a list of the names

Acts 1891-2-3.

of all persons or corporations liable for such taxes, and the amount of property owned by each and liable therefor, and the total amount of taxes due from each, and shall file a copy of list with board of trustees. The treasurer shall collect all taxes levied for common school purposes on the property of the district. The holder of the legal title, and the holder of the equitable title, and the claimant or bailee in possession of the property, on the fifteenth day of September of the year the assessment is made, shall be liable for the taxes thereon ; but, as between themselves, it shall be the duty of the holder of the equitable title to list the property, and pay the taxes thereon, whether the property be in possession or not at the time of the payment. The board of trustees shall, within five days after such tax list shall have been delivered to the chairman, fix the time in which such taxes shall be paid to the district treasurer, which shall not be less than two nor more than four months from the time of making such order. The board shall cause written or printed notices of the amount of the levy, and the time and place in which the tax is required to be paid, to be posted in at least three public places in the district. It shall be the duty of all tax-payers to pay their taxes to the treasurer at the time and in the place designated in the notice. On failure of any such tax-payer to pay his taxes, within such designated period, he shall, at the expiration thereof, be deemed delinquent, and a penalty of five per centum of the amount of the taxes due shall attach against each delinquent at the expiration of the period for receiving the taxes. It shall then be the treasurer's duty to collect such delinquent taxes, and levy on and sell property therefor, and make report thereof to the board of trustees. The treasurer shall collect the taxes within ninety days after receiving the list by sale of property or otherwise. He shall have the same power that the sheriff now has in the collection of State and county revenue, and proceed in the same manner and receive the

same compensation as the sheriff was entitled to receive; and for a failure to perform this duty, and other duties mentioned in this section, he shall be liable on his bond; and all such delinquent lists as may now be in the hands of the sheriffs in this Commonwealth uncollected, shall be returned to the district treasurer for collection under this amendment, and such as have been wholly or partly collected by sheriffs shall be accounted for as provided in the original act. The treasurer shall, in his annual report to the trustees and to the county superintendent, make an itemized statement of the amount levied, the purpose of such levy, the itemized amount collected, the amount disbursed, and the amount still on hand. In case of vacancy by resignation or removal, the treasurer shall make settlement with, and turn over all moneys to the county superintendent immediately following such resignation or removal. The treasurer and county superintendents holding money for districts, shall pay out same on order of board of trustees for said districts."

§ 11. Amend section eighty so as to read as follows: "Unless there are sufficient funds on hand which may be used to pay the contingent expenses incident to conducting the school comfortably, the trustees shall assess, and the treasurer of the district shall collect, a capitation tax of one dollar and fifty cents, or less, on all persons having children attending the common school of the district; the same to be collected as provided in section seventy-nine, and used to pay for fuel and other things needful to keep warm, clean and comfortable the house wherein the school is conducted."

§ 12. Amend section eighty-three to read as follows: "The board of trustees shall meet at the school-house on the day of the opening of the school, and at the same place at least once a month thereafter during the session of the school. At each meeting they shall

carefully examine the teacher's register, and shall consider: (1) The condition of the school-house, furniture, apparatus and surroundings; (2) the work of the school; (3) the attendance, and how to increase it; (4) the needs of the school, such as fuel, brooms, buckets, crayons, desks, blackboards, books, et cetera. They shall provide for any deficiency that may exist in any of these respects, and see that the regulations for the government of the school are complied with, and that the teacher performs his duty; they shall see that a sufficient supply of good water is furnished within easy access of the school-house for the benefit of the school during the term of school. Upon complaint of the teacher, in writing, the trustees shall have power, after investigation, to suspend a pupil or expel him from school. When the trustees shall ascertain, by examining the teacher's register or monthly report, that the average daily attendance for twenty consecutive days taught has been less than twenty-five per centum of the total number of pupil children of the district, as shown by the last census, they shall, with the consent of the county superintendent, dismiss the teacher, and employ another teacher to complete the session of the school, unless they shall be satisfied that the decreased attendance was due to such natural causes as high water, extremely inclement weather, epidemics, or unusual sickness in the district."

§ 13. Amend section eighty-nine to read as follows: "For any neglect of duty or misfeasance or malfeasance in office, the trustees shall, in addition to being fined as aforesaid, be removed from office by the county superintendent, who, in investigating such matters, as well as the matters set out in sections fifty-five, one hundred and thirty-three, one hundred and thirty-six, shall have the same power to issue subpoenas and attachments for witnesses, and to compel their attendance and testimony, as is possessed by the judge of the quarterly court in examining trials of persons charged with offenses against the law; and sheriffs,

constables and marshals shall be under the same obligations and subject to the same penalties for neglect or refusal to execute the orders of said superintendent as for refusal or neglect to execute the orders of the judge of the quarterly court of the county, and from the decision of the county superintendent any party aggrieved may appeal to the Superintendent of Public Instruction."

§ 14. Amend section one hundred and thirty-two so ^{See page 1477.}
_{Acts 1891-2-3.} as to read as follows: "State diplomas may be issued by the State Board of Examiners after a personal examination held at the State Capitol on the last Wednesday of June and August of each year, upon the subjects embraced in the common school course of study, and also upon the science and art of teaching, psychology, English literature, algebra, higher arithmetic, geometry, physics and elementary Latin. In order to be entitled to a State teacher's diploma, the applicant, in addition to attaining on the required examination an average grade of not less than ninety per centum, the lowest grade on any subject being not less than seventy per centum, shall be at least twenty-four years old, shall have taught in the State at least two years, and shall present satisfactory evidence of unexceptionable moral character. A State diploma shall be good in all schools throughout the State maintained wholly or partly by the State until revoked by the Superintendent of Public Instruction, or until the holder shall fail for two successive years to be engaged in active school work. It shall qualify the holder for eligibility as candidate for the office of county superintendent of common schools, and may, for cause, be revoked by any county superintendent, subject to the approval of the State Board of Education, as far as it applies to his county, of which immediate information shall be given the Superintendent of Public Instruction. A State diploma shall be impressed with the seal of the State Board of Examiners, and the fee of the applicant shall be five dollars, which

shall be paid to the two members who, with the Superintendent of Public Instruction, compose the State Board of Examiners."

§ 15. Amend section one hundred and thirty-three to read as follows: "A State teacher's certificate may be granted by the State Board of Examiners upon the recommendation of the county board of examiners after a written examination held in applicant's county, attaining an average grade of at least ninety per centum, the lowest grade upon any subject being not less than seventy per centum, upon the subjects embraced in the common school course of study, and also upon English literature, elementary algebra, higher arithmetic, and the science and art of teaching, including the elements of physiology. In order to be entitled to a State certificate, the applicant, in addition to passing the required examination, shall be at least twenty-one years old, shall have had two years' experience in teaching, and shall present satisfactory evidence of unexceptionable moral character. The questions for the examination of applicants for State certificates shall be forwarded by the State Board of Examiners, with the questions for the June and August county examinations, at the same time, in the same package, and be preserved and opened at the same time as the questions for county certificates. The applicants for State certificates shall be examined on the same days upon which the applicants for county certificates are examined, in June and August, and immediately, upon the close of the examination for State certificates, the county superintendent shall collect the papers of each applicant for a State certificate, preserve them from all inspection, make such examination of them as will enable the said county board, with their personal knowledge of the applicant, to make a recommendation to the State Board of Examiners that a State certificate should or should not be granted, and forward the same by registered mail to the State Board

See page 1478.
Acts 1891-2-3.

of Examiners, with a recommendation as to the granting of a State certificate. No applicant shall be examined for a State certificate, unless the said applicant is known to the county superintendent to possess an unexceptionable moral character, and to possess the age and experience herein required. With the answers, as forwarded to the State Board of Examiners, the county superintendent shall inclose a written statement in proper form, signed and sworn to by at least two members of the local examining board, that the examination had been held in strict accordance with the law, and that the applicant had not, either directly or indirectly, received any assistance, and that the moral character of the applicant is unexceptionable. If the answers and statement are deemed sufficient, if the recommendation of the county board be favorable, the State Board of Examiners may issue a State certificate, which shall entitle the holder to teach in the common schools of the State, graded or city schools, for a period of eight years, unless revoked by the Superintendent of Public Instruction, or unless the holder shall fail for two successive years to be engaged in active school work. At the expiration of the time for which it was granted, if it shall not have been revoked by the Superintendent of Public Instruction, and if the holder shall not have failed for two successive years to be engaged in active school work, a State certificate may be renewed for another eight years by the State Board of Examiners without additional fee, upon the recommendation of the board of examiners of the county whereof the holder shall at that time be a resident. Any county superintendent may, for cause, revoke a State certificate as far as it applies to his county, of which immediate information shall be given to the Superintendent of Public Instruction, and be subject to his approval. A State certificate shall be impressed with the seal of the State Board of Examiners, and the fee charged the applicant shall be four dollars, besides the registration fee for forward-

ing the answers, of which one dollar shall be paid to the county board of examiners. The proceeds of the fees for examination for State certificates, and of the examination of candidates for county superintendent, shall be divided between the two professional members of the State Board of Examiners, in proportion to the services rendered by them. County certificates shall be first class, second class, or third class, and shall apply only to the county in which they are issued, and shall be good for four years, two years and one year, respectively. Third class certificates shall not be issued more than once to the same person in any event. After July first, one thousand eight hundred and ninety-four, a certificate of the third class shall not entitle the holder to teach in any district reporting fifty-five or more pupil-children, nor shall a certificate of the second class entitle the holder to teach in any district reporting seventy-five or more pupil-children. A county certificate of the first class shall require an average grade of eighty-five per centum upon all the subjects of the common school course, and upon the science and art of teaching; and the lowest grade in any subject shall not be less than sixty-five per centum. A county certificate of the second class shall require an average grade of seventy-five per centum, and the lowest grade on any subject shall not be less than fifty-five per centum. A county certificate of the third class shall require an average grade of sixty-five per centum, and the lowest grade on any subject shall not be less than fifty per centum. If, at any time, the holder of a county certificate shall be found incompetent, inefficient, immoral, or otherwise unworthy to be a teacher, the county superintendent shall revoke the certificate of such person; and any teacher dismissed from school on such grounds shall be entitled to receive payment for services only up to the time of dismissal. Nothing in this act shall be construed to require any teacher now holding a teacher's certificate to be re-examined until

the expiration of said certificate. A person having taught for eight consecutive years in the same county under first-class certificates, obtained as hereinbefore provided, may have the last one renewed annually for four years by the county superintendent, who shall write upon it 'Renewed,' signed officially, and give date of such renewal."

§ 16. Amend section one hundred and thirty-seven to read as follows: "It shall be the duty of each county superintendent to organize, and cause to be held annually, a teachers' institute for the normal instruction, improvement and better qualification of the teachers of his county. The institute shall occupy not less than five nor more than ten days, and shall be held between the first day of July and the first day of November. The Superintendent of Public Instruction and the two professional members of the State Board of Examiners, shall constitute a committee on programme to prepare and place in the hands of each county superintendent, not later than June first of each year, a programme of the work of the institute and a syllabus of each subject of instruction. The programme and syllabus shall be furnished each member of the institute, and shall be faithfully and efficiently carried out. Any county superintendent who shall willfully fail or neglect to hold the annual institute as prescribed in this article shall be fined fifty dollars."

§ 17. Amend section one hundred and forty-nine so as to read as follows: "The county superintendent, as chairman, and two persons annually elected by the county institute, shall constitute a library committee for the selection and purchase of books, periodicals and furniture, and for the adoption of rules for the management of the library under the regulations of the State Board of Education. The Superintendent of Public Instruction shall supply each of these libraries with a bound copy of each edition of the school law, of his biennial reports, and other publications of his de-

See page 1484,
Acts 1891-2-3.

See page 1489,
Acts 1891-2-3.

partment. The library committee shall keep a permanent record of its acts and accounts open at all times to the inspection of the teachers; and through its chairman, shall annually report to the county institute an itemized statement of all sums received and expended; the number, names and cost of books and other articles purchased; all donations of books and periodicals, with the names of the donors; the number of books belonging to the library; the number in the library; the number on loan, and such other facts as may be required; and, in his annual report to the Superintendent of Public Instruction, the county superintendent shall state the sums received, the sums expended, the number of volumes in the library, and the increase during the year."

§ 18. Amend section one hundred and fifty-six so to read as follows: "All duties, which are required of any officer under this chapter, shall be performed by them under the penalties herein prescribed; and when no penalties are prescribed, then the officer failing to perform the duties imposed shall be guilty of a misdemeanor, and, upon indictment in the circuit court of the county in which said misdemeanor may occur, shall be subject to a fine in any amount, in the discretion of a jury, and the Superintendent of Public Instruction shall give information of all failures or neglect of duty which come to his knowledge to the attorney for the Commonwealth in the county in which the failure to perform or neglect of duty shall occur. The Superintendent of Public Instruction shall issue, as occasion demands, a circular letter to the circuit judges of the State, setting out the methods by which frauds have been committed against the State school funds, and other violations of the school law perpetrated, and request that they call the attention of the grand juries to the same."

See page 1491.
Acts 1891-2-3.

Approved March 10, 1894.

CHAPTER 56.

AN ACT to provide additional clerical force for the Auditor of Public Accounts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby appropriated the sum of two thousand five hundred dollars per annum to the Auditor of Public Accounts for the purpose of securing additional clerical force in his office.

§ 2. Whereas, the adoption of the new Constitution and by the laws made in pursuance thereof have so greatly increased the duties of said officer as to render it impossible for him, with the present clerical force, to promptly discharge all the duties required of him by law, with a due regard for the interests of the State and those having business with his department, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage.

Approved March 10, 1894.

CHAPTER 57.

AN ACT to fix the per diem of the employes of this General Assembly.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the employes of this General Assembly hereinafter named shall respectively receive for services a per diem the same as that allowed and paid like employes at the last session of the General Assembly, as follows, namely: The Chief Clerks and Assistant Clerks of the Senate and House of Representatives respectively, ten dollars per day each during the sessions of this General Assembly, and for ten days after adjournment, for preparing Acts for publication; the Enrolling Clerks of the Senate and House of Representatives, seven dollars each per day;

the Sergeant-at-Arms of the Senate and House of Representatives, seven dollars each per day; the Door-keepers of the Senate and House of Representatives, six dollars each per day; the Janitors of the Senate and House of Representatives, six dollars each per day; the Cloak-room Keepers of the Senate and House of Representatives, three dollars and fifty cents per day each; the pages and present messengers of the Senate and House of Representatives, and the messenger to the Governor, three dollars each per day; that J. Allen Ross be allowed four dollars per day for services as keeper of the back capitol; that Andrew Denison be allowed two dollars and fifty cents per day for work in the cloak-room of the Senate; that Price Mays be allowed two dollars and fifty cents per day for porter of the House of Representatives, and Louis Harris be allowed two dollars and fifty cents per day for services as porter of the Senate.

§ 2. The per diem of the employes of the General Assembly being necessary for their daily support, and desiring to place all of said employes on an equal footing as to the drawing of their compensation, an emergency is hereby declared to exist, and this act shall take effect upon its approval by the Governor, and shall apply to the employes of this General Assembly from the beginning of its session. All laws in conflict with this act are hereby repealed.

Approved March 18, 1894.

CHAPTER 58.

AN ACT to provide for the marking, branding or labeling of convict-made goods, wares or merchandise manufactured by convicts in other States and brought into this Commonwealth for sale.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All goods, wares and merchandise made by convict labor in any penitentiary, prison, reformatory

or other establishment, in which convict labor is employed in any State, except the State of Kentucky, and imported, brought or introduced into the State of Kentucky, shall, before being exposed for sale, be branded, labeled or marked as hereinafter provided, and shall not be exposed for sale in any place within this State without such brand, label or mark.

§ 2. The brand, label or mark hereby required shall contain, at the head or top thereof, the words "convict made," followed by the year and name of the penitentiary, prison, reformatory or other establishment in which it was made, in plain English lettering, of the style and size known as great primer roman condensed capitals. The brand or mark shall in all cases, where the nature of the article will permit, be placed upon the same, and only where such branding or marking is impossible shall it be placed upon the box or other covering of the same, or be attached to the article as a label. Said brand or mark shall be placed upon the most conspicuous part of the article or its covering, and said label, when used instead of a brand or mark, shall be attached in the most conspicuous place.

§ 3. It shall not be lawful for any person dealing in this State in any such convict-made goods, wares or merchandise manufactured in any State, except the State of Kentucky, knowingly to have the same in his possession for the purpose of sale, or to offer the same for sale, without the brand, mark or label required by this act, or to remove or to deface such brand, mark or label. Any person offending against the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars, or to be imprisoned for a term not exceeding twelve months, or both, in the discretion of the jury or court trying the case.

Approved March 12, 1894.

CHAPTER 59.

AN ACT providing for the payment of the funeral expenses of Aaron Baker.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of one hundred and thirty-three dollars and twenty-five cents is hereby appropriated for the purpose of paying the expenses of the conveyance and burial of the remains of Aaron Baker, an employe of the House of Representatives, session of one thousand eight hundred and ninety-four, the said expenses having been incurred by authority of a resolution of said House, adopted January —, one thousand eight hundred and ninety-four.

§ 2. The Auditor of Public Accounts is hereby directed to draw his warrant on the Treasurer in favor of Fenton Sims and Todd Hall, payable out of any money in the Treasury not otherwise appropriated, for said sum of one hundred and thirty-three dollars and twenty-five cents.

§ 3. As no reason exists for delay, and said amount having been paid out by said Sims and Hall for the State under the authority named, therefore an emergency is declared to exist, and does exist, and this bill shall take effect from its approval by the Governor.

Approved March 13, 1894.

CHAPTER 60.

AN ACT concerning the delivery and receiving of pay for spirituous, vinous, malt or intoxicating liquors when the same is prohibited by law.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any owner, operator, agent, clerk, occupant or other person of

any depot, store-house, warehouse, store-room, office, steam-boat, wharf-boat, or other place situated or being in any county, town, city, district or precinct in this Commonwealth wherein the sale of spirituous, vinous, malt or intoxicating liquors are, at the time, prohibited by law, to deliver any such liquors to, or receive pay for same from any person except the party to whom the same has been billed or shipped, and to whom the same is addressed; and any one so offending shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

Approved March 15, 1894.

CHAPTER 61.

AN ACT to amend section seven of an act, entitled "An act to regulate the travel or transportation of the white and colored passengers on the railroads of this State," approved May twenty-fourth, one thousand eight hundred and ninety-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section seven, chapter forty, of the Acts of the General Assembly of Kentucky, session of one thousand eight hundred and ninety-one-ninety-two-ninety-three, entitled "An act to regulate the travel or transportation of the white and colored passengers on the railroads of this State," approved May twenty-fourth, one thousand eight hundred and ninety-two, be, and the same is hereby, amended by adding thereto the following words, namely: "Nor shall the same apply to the transportation of passengers in any caboose car attached to a freight train," so that said section, when amended, shall read as follows, namely:

§ 7. The provisions of this act shall not apply to employes of railroads or persons employed as nurses, or officers in charge of prisoners; nor shall the same apply to the transportation of passengers in any caboose car attached to a freight train.

See Acts 1891-
2-3, page 64.

Approved March 15, 1894.

CHAPTER 62.

AN ACT to amend an act, entitled "Weights and Measures."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That chapter one hundred and twelve, section seven, of General Statutes, be amended as follows, to wit: Strike out in line five of said section the word "seventy," and insert in lieu thereof the words "sixty-eight," and add at the end of said section the following: Orchard grass seed, fourteen pounds; English blue-grass seed, fourteen pounds, so that the section will read, when amended:

The following weights shall constitute a bushel of each article named respectively:

Wheat, sixty pounds.

Shelled corn, fifty six pounds.

Corn in the ear, seventy pounds from the first of November to first of May following, and from first of May to the first of November following, sixty-eight pounds.

Rye, fifty-six pounds.

Oats, shelled, thirty-two pounds.

Barley, forty-seven pounds.

Irish potatoes, sixty pounds.

Sweet potatoes, fifty-five pounds.

White beans, sixty pounds.

Castor beans, forty-five pounds.

Clover seed, sixty pounds.

Timothy seed, forty-five pounds.

Flax seed, fifty-six pounds.

Millet seed, fifty pounds.

Peas, sixty pounds.

Blue-grass seed, fourteen pounds.

Buckwheat, fifty-six pounds.

Dried apples, twenty-four pounds.

Dried peaches, thirty-nine pounds.

Onions, fifty-seven pounds.

Bottom onion sets, thirty-six pounds.
Salt, fifty pounds.
Stone coal, seventy-six pounds.
The term coal includes anthracite, cannel, bituminous and other mined coal.
Bran, twenty pounds.
Plastering hair, eight pounds.
Turnips, sixty pounds.
Unslaked lime, thirty-five pounds.
Corn meal, fifty pounds.
Fine salt, fifty-five pounds.
Hungarian grass seed, fifty pounds.
Ground peas, twenty-four pounds.
Orchard grass seed, fourteen pounds.
English Blue-grass seed, fourteen pounds.
Hemp seed, forty-four pounds.

Approved March 15, 1894.

CHAPTER 63.

AN ACT to repeal an act, entitled "An act to regulate the working and laying out public roads in Clinton county," approved April the seventh, one thousand eight hundred and ninety.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That chapter six hundred and thirty-four of the Session Acts of one thousand eight hundred and eighty-nine and ninety, approved April the seventh, one thousand eight hundred and ninety, that the same is hereby repealed.

Approved March 15, 1894.

CHAPTER 64.

AN ACT for the appointment of county patrolmen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county courts of this Commonwealth in counties having cities of the first class may, upon the petition of ten citizens and tax-payers in any magisterial district in the county, appoint in such district not exceeding three patrolmen to keep the peace, and to continue in service twelve months, unless removed by the county court for neglect of duty or improper conduct. None but discreet and sober citizens shall be appointed such patrolmen, and they shall take an oath in the county court for the faithful and impartial performance of their duty, and shall give bond therefor in the sum of one thousand dollars. And when appointed, they shall have jurisdiction co-extensive with the whole county.

§ 2. The patrolmen appointed under this act shall visit all suspected places and places of unlawful assemblies within their respective districts.

§ 3. The compensation of said patrolmen shall be paid by such persons as petition for their appointment, or may employ them to keep the public peace, or for the good order of society in their respective districts.

§ 4. That a necessity and emergency exists for the immediate passage of this act, and it is, therefore, provided that this act shall take effect from and after its passage.

Approved March 15, 1894.

CHAPTER 65.

AN ACT to amend article two of chapter sixty-five of Session Acts one thousand eight hundred and ninety-one-ninety-two-ninety-three, entitled "An act to regulate elections in this Commonwealth," and to extend said articles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the following section be, and is hereby, added to article two of the act mentioned in the title of this act, and shall be section three of said article, to wit :

§ 3. In any town or city of the fifth or sixth class, See Acts 1891-2-3, page 108. where corporate limits include parts of two or more counties, the clerk of the county court of each of such counties, in addition to the ballots prepared for State, county, district or precinct elections, shall prepare a ballot-book of similar form and requisites, for the use of voters who reside in that part of such town or city that lies in his county, at every election at which municipal officers for such town or city are required to be chosen, or at which any question is to be submitted to the voters of such town or city. Only the names of such persons as are candidates for municipal offices in such town or city, or questions submitted to the voters of such town or city, shall be placed or printed on said ballots, and then only in conformity with, and in pursuance of, the regulations of this chapter, or other laws relating to the preparation of ballots and applicable to the election at which they are to be used. The officers of the election of the county precinct embracing a part of the territory within the corporate limits of such town or city, in addition to the ballots for State, county, district or precinct, shall furnish to each voter residing in such town or city, and entitled to vote at the precinct for municipal officers, or upon a municipal question submitted to the voters of such town or city, a ballot prepared as herein provided for

such municipal election, which ballot the voter will mark and fold in the same manner and at the same time, and deliver to the proper officer of the election in the same manner and at the same time as is required in respect to the State, county, district or precinct ballots, and the same shall be deposited by the officer in the ballot-box with the other ballots. The officers of the election shall count and dispose of such municipal ballots at the same time, and shall certify and return the result thereof in the same manner as of the other ballots. It shall be the duty of the canvassing board of elections of the respective counties embracing parts of such town or city, to make duplicate written certificates over their signatures of the number of votes given in the county for municipal officers, or upon questions submitted to the voters of such town or city, one copy to be retained in the clerk's office of such county, and the other to be sent immediately by mail by said canvassing board to the canvassing board of the county, embracing a part of such town or city having the largest population, which last named board shall, between the hours of ten and twelve o'clock in the morning of the first Tuesday after the election, meet in the clerk's office of their county, compare the certificates of the canvassing boards of the several counties, and therefrom give triplicate certificates of election, in writing, over their signatures, of the persons who appear to have received the highest number of votes for offices of such town or city, one copy of the certificate to be retained in the clerk's office, another delivered to the clerk of the board of council of such town or city, and the other forwarded to the Secretary of State. The certificate of the votes on any question submitted to the voters of such town or city shall be delivered as provided by the law or ordinance under which the vote was taken. Such town or city shall pay the expenses of preparing the ballots for such municipal election.

Approved March 15, 1894.

CHAPTER 66.

AN ACT to amend an act to regulate elections in this Commonwealth, approved June thirtieth, one thousand eight hundred and ninety-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That chapter sixty-five, Session Acts one thousand eight hundred and ninety-one-two-three, entitled "An act to regulate elections in the Commonwealth of Kentucky," be amended as follows: Amend article four, section four, by striking out the form of the registration book, and substitute the following:

NAME.	REMARKS.
Special Election	
November Election	
Color	
Number of Ward	
Number of Precinct	
Residence	

So that said section shall, as amended, read as follows:

"§ 4. It shall be the duty of the county court clerk of each county containing any city or town of either of said classes mentioned in section one, to prepare the proper forms, and cause to be printed two registration books for each precinct in said city or town. In cities where additional days are required for registration, he shall prepare an additional registration book for each additional day, one of which shall be kept in his

See Acts 1801-2-3, page 130.

office to be used as provided in section nine, and the other furnished to the clerks of registration and election, before each registration or election day as hereinafter provided. Said books shall be so arranged as that the names of the voters may be registered alphabetically, and shall be ruled and headed as follows:

NAME.	REMARKS.
Special Election	
November Election	
Color	
Number of Ward	
Number of Precinct	
Residence	

Amend article four, section five, by adding after the word "precinct," in line twelve, "and ward;" after the word "order," line fourteen, add these words: "The number of the precinct and the number of the ward, if city be warded off," so that said section, as amended, will read as follows:

"§ 5. The officers of registration shall attend at the voting places of their respective precincts on the first Tuesday in October in each year, from the hours of six in the morning until nine in the evening, and on such other days as the city councils of said cities may deem necessary and provide for by ordinance: *Provided, however,* That the last day of registration shall be fixed by said ordinance not later than the third Tuesday in October, and shall record in the registration book, which shall be furnished by the county clerk to each registration clerk, a list of such qualified

voters of the precinct and ward as may apply for registration. Said list of voters shall be in alphabetical order, the number of the precinct and the number of the ward, if the city be warded off, the name of the street or alley, and number of house, lodging or tenement in which he lives, and whether he be white or colored ; and if said house, lodging or tenement be not numbered, the location thereof shall be described in the registration book as accurately as is practicable, giving the street and between what streets. No person shall be registered who does not personally appear before the officers of registration : and if he be not personally known to one of the officers, or if any bystander shall demand it, he shall be sworn by one of the officers, and interrogated by him or by such bystander touching his qualifications as provided by law. Opposite the name of each person so sworn the clerk shall write the word "Sworn," which entry shall be *prima facie* evidence of such swearing in any prosecution under this law. Said registration in October shall be known as the general registration, and any person then registered may vote at all elections until the next general registration, unless he becomes disqualified after registering. Every person shall be entitled to be registered who would be entitled to vote at the next succeeding November election, as now provided by law."

Amend article four, section eighteen, after the word "precinct," by adding the following: "Or give a false number of the ward of his residence," so that said section, as amended, will read as follows:

"§ 18. Any person who shall cause himself to be registered in more than one election precinct, or give a false number of the ward of his residence, otherwise than is provided in section twelve of this article, or more than once in the same precinct, or who shall cause himself to be registered, knowing that he is not lawfully entitled to registration, and any person who shall aid or abet in the commission of any

See Acts 1891-
2-3, Page 137.

of said acts, shall be deemed guilty of a misdemeanor, and shall be imprisoned in the county jail not less than one nor more than twelve months."

Approved March 15, 1894.

CHAPTER 67.

AN ACT to amend an act, entitled "An act relating to revenue and taxation," which became a law without the approval of the Governor November eleventh, one thousand eight hundred and ninety-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

See Acts 1891-
2-3, page 278.

§ 1. That an act, entitled "An act relating to revenue and taxation," be, and the same is hereby, amended as follows: Amend section three of article one so that the same shall read as follows:

"§ 3. The Commonwealth, and each county, incorporated city, town and taxing district, shall have a lien on the property assessed for the taxes due them respectively, which shall not be defeated by gift, devise, sale, alienation, or any means whatever, unless the gift, devise, sale or alienation shall have been made for more than five years before the institution of proceedings to enforce the lien, and nothing shall be exempt from levy and sale for taxes and cost incident to the sale. When any lands or improvements shall not be assessed in any one year, it may be assessed retrospectively, in the manner provided by law, for that year, at any time not later than five years thereafter; but the lien thereby accruing shall not prejudice the rights of purchasers acquired in the meantime."

§ 2. Amend section three of article thirteen so that the same shall read as follows:

See Acts 1891-
2-3, pages 354-
355.

"§ 3. It shall be the duty of the sheriff or Auditor's agent to cause to be listed for taxation all property omitted, or any portion of property omitted by the as-

sessor, board of supervisors, Board of Valuation and Assessment, or Railroad Commission, for any year or years. The officer proposing to have such property assessed shall file in the clerk's office of the county in which the property may be liable to assessment a statement containing a description and value of the property proposed to be assessed, and the value of corporate franchise, if any, and the name and place of residence of the owner, his agent or attorney, or person in possession of the property, and the year or years for which the property is proposed to be assessed. Within five years after the filing of such statement, the clerk of the court shall issue a summons against the owner to show cause before the next regular term of the county court, which does not commence within five days after service of such summons, to show cause before said court why such property or corporate franchise, if any, shall not be assessed at the value named in the statement filed. The summons shall be executed by the sheriff of the county by delivering a copy thereof to the owner, if in the county ; if not, then to his agent, attorney or person in possession of the property. At the next regular term of the county court after the notice has been served five days, if it shall appear to the court that the property is liable for taxation, and has not been assessed, the court shall enter an order fixing the value thereof at its fair cash value, estimated as required by law ; if not liable, he shall make an order to that effect. From so much of the order if the court deciding whether or not the property is liable to assessment, either party may appeal, as in other civil cases, except that no appeal bond shall be required where the court decides that the property is not liable to assessment or taxation. If the court shall decide that the property is liable to assessment, the clerk of the county court shall certify to the Auditor of Public Accounts and the sheriff a description of the property and the amount of the assessment for taxation, together with

the amount of penalty and cost of assessment. All persons owning property which may be assessed as herein provided shall, in addition to the taxes, pay a penalty of twenty per centum on the amount of the taxes due and cost of assessment, except where such property shall have been duly listed by the owner thereof. The taxes and penalties shall be collected and accounted for as other taxes and penalties are required to be collected. As compensation for his services in causing such property to be assessed, the officer filing the statement shall be entitled to the penalty, which shall be paid to him after the full amount of taxes shall have been collected. The county clerk shall enter all such assessments in a book to be kept for that purpose, showing the date of the assessment, the names of the persons against whom the assessment is made, the location and quantity of the property assessed, the value fixed thereon; and the officer collecting the tax shall, when the same is paid, notify the clerk of its payment, which payment shall be noted by the clerk opposite the entry of such assessment.

Approved March 15, 1894.

CHAPTER 68.

AN ACT to authorize any lunatic asylum of this State to condemn land to secure or protect the water supply of such asylum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any lunatic asylum of this State may institute and prosecute proceedings in its own name, in any court having jurisdiction, by a writ of *ad quod damnum*, as in cases to condemn land for public roads, to condemn any land not exceeding ten acres, which may be adjoining the land owned by such asylum, which may be deemed by the board of commissioners of such asylum to be necessary to secure or

protect the water supply of such asylum ; but no such proceeding shall be commenced until so directed by a majority of the board of commissioners of such asylum, by a resolution adopted at a regular meeting thereof.

§ 2. That the value of the land so condemned and assessed in, and the costs of such proceedings, shall be paid by order of such board of commissioners of such asylum out of the regular allowances made and paid by the State for the support and maintenance of such asylum.

Approved March 15, 1894.

CHAPTER 69.

AN ACT to amend section one, article six, of chapter one hundred and three, of the Session Acts of one thousand eight hundred and ninety-one-ninety-two-ninety-three, entitled "An act relating to revenue and taxation."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section one of article six, chapter one hundred and three, Session Acts one thousand eight hundred and ninety-one-ninety-two-ninety-three, be amended as follows: Insert after the word "housekeeper," in line four, the following words, viz. : "And owner of real estate," so that said section, when amended, will read as follows:

See Acts 1891-
2-3, page 313-

"§ 1. The county judge, except in counties having a city therein of the first, second, third or fourth classes, shall, at the November term of each court, appoint five intelligent, discreet housekeepers and owners of real estate, residing in different portions of the county ; and in counties having a city therein of the first or second class, he shall appoint three additional persons from such city and from different wards thereof ; and in counties having a city therein of the third or fourth class, he shall appoint two additional

persons from each city and from different wards thereof, who shall constitute the board of supervisors of tax in their respective counties."

Approved March 15, 1894.

CHAPTER 70.

AN ACT to amend an act, entitled "An act for the government of towns of the sixth class."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section twelve, article five, of the aforesaid act be amended by adding at the beginning of the same the following: "Except as hereinafter provided;" and also by adding at the end of said section the following: "Any person shall be eligible to the office of marshal of such town who, at the time of his election or appointment, is a *bona fide* resident of the town and a legal voter in the justice's district in which the town is situated," so that said section, when amended, will read as follows:

"§ 12. Except as hereinafter provided, no person shall be eligible to hold any office in such town, whether filled by election or appointment, unless he is a resident and an elector therein, and shall have resided in said town one year next preceding the date of such election or appointment. Any person shall be eligible to the office of marshal of such town who, at the time of his election or appointment, is a *bona fide* resident of the town and a legal voter in the justice's district in which the town is situated."

See Acts 1891-
-3, page 884.

§ 13. Whereas, it is represented to this General Assembly that much disorder exists in towns of the sixth class resulting from vacancies in the office of marshal, and that no suitable persons willing to accept such office, and having the qualifications now required by law to hold same, can be found to fill such vacancies, an emergency is hereby declared to exist, and this act shall go into effect when approved by the Governor.

Approved March 15, 1894.

CHAPTER 71.

AN ACT to amend an act, entitled "An act relating to fees," approved June fifteenth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section seventeen, article eight, chapter two hundred and twenty-six, of Session Acts one thousand eight hundred and ninety-one-ninety-two-ninety-three, be amended, so that said section, as amended, will read as follows:

§ 17. To a commissioner to allot dower, to divide land or settle accounts, per day, one dollar and fifty cents.

To a commissioner for making a deed, one dollar and fifty cents.

To master commissioner or receiver, where the amount is not agreed upon by the parties, for each day they are actually engaged, three dollars.

For selling land or personal property, where the amount of the sale does not exceed two thousand dollars, seven dollars and fifty cents.

Where the sale amounts to more than two thousand dollars, but does not exceed five thousand dollars, ten dollars.

Where the sale amounts to more than five thousand dollars, but does not exceed ten thousand dollars, fifteen dollars.

Where the sale exceeds ten thousand dollars, twenty-five dollars.

Where the officer goes out of the county to make the sale he shall be allowed his actual expenses and five dollars per day in addition to the fees.

Where more than one tract of land is sold under the same decree, the court shall have power to allow not exceeding five dollars for each additional tract sold.

For receiving and paying out money under an order

See Acts 1891-
2-3, pages 1146-
1147.

of court, where the amount is one thousand dollars or less, two per centum.

Where the amount is more than one thousand dollars, but does not exceed two thousand dollars, two per centum on the first one thousand, and one and one-half per centum on the excess.

Where the amount is more than two thousand, but does not exceed five thousand dollars, two per centum on the first thousand, one and one-half per centum on the second one thousand, and one per centum on the excess.

Where the amount is over five thousand dollars, he shall receive fees on the first five thousand dollars, as above provided, and one-half of one per centum on the remainder.

If a sale is set aside because of the default of the officer making the sale, he shall not receive any compensation for his services connected with such sale.

Approved March 15, 1894

CHAPTER 72.

AN ACT to amend section five hundred and one, and the amendment thereto, of July twenty-third, one thousand eight hundred and eighty-two, of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section five hundred and one of the Civil Code of Practice be amended by striking out the word "either," after the word "of," and before the word "party," and insert therefor the word "any," and the amendment to said section is amended by striking out these words: "Or the party seeking a revivor may file in the action an amended pleading, stating facts necessary to authorize the same, with a prayer therefor, upon which summons may be issued and served with same effect as issued upon original petitions," and insert in lieu thereof these words:

"Or any party to the action, or his representative or successor, may file in the action a petition against the other parties, stating facts necessary to authorize a revivor, with a prayer therefor, upon which summons may be issued and served, or a warning order may be made under like restrictions and with like effect as if issued or made upon original petition," so that said section, when amended, will read as follows:

"§ 501. The order may be made on the motion of any party to the action, or of his representative or successor, suggesting the death or cessation of power, which, with the name and capacity of the representative or successor, shall be stated in the order. Or any party to the action, or his representative or successor, may file in the action a petition against the other parties, stating facts necessary to authorize a revivor, with a prayer therefor, upon which summons may be issued and served, or a warning order may be made under like restrictions and with the like effect as if issued or made upon original petition."

Approved March 15, 1894.

CHAPTER 73.

AN ACT to amend an act, entitled "An act relating to courts of justice," approved June tenth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the twenty-eighth subsection of section seventeen of article two of an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act relating to courts of justice," being chapter two hundred and twenty-one of the acts of one thousand eight hundred and ninety-one-ninety-two and ninety-three, approved June ten, one thousand eight hundred and ninety three, be, and the same is hereby,

See Acts 1891-
2-3, page 1045.

amended so as to read as follows, namely: "Twenty-eighth district, Whitley county, at Williamsburg, on the second Monday in January, twenty-four juridical days; second Monday in May, twelve juridical days; third Monday in August, twenty-four juridical days. Rockcastle county, at Mt. Vernon, on the second Monday in February, twelve juridical days; fourth Monday in May, six juridical days; third Monday in September, twelve juridical days. Clinton county, at Albany, fourth Monday in February, six juridical days; second Monday in June, six juridical days; first Monday in October, twelve juridical days. Wayne county, at Monticello, first Monday in March, twelve juridical days; third Monday in June, six juridical days; third Monday in October, twelve juridical days. Pulaski county, at Somerset, third Monday in March, twenty-four juridical days; fourth Monday in June, twelve juridical days; fourth Monday in October, twenty-four juridical days."

§ 2. That all writs, processes and recognizances issued or taken in any action or prosecution now pending or which hereafter may be commenced in any of said courts shall be, and they are hereby, made returnable to the first term of said courts as provided in this act.

Approved March 15, 1894.

CHAPTER 74.

AN ACT to amend an act, entitled "An act fixing times and terms of the circuit courts in the counties composing the several judicial districts of this Commonwealth."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section twenty-nine, article one, chapter one hundred and twenty-one, Acts one thousand eight hundred and ninety-one-ninety-two-ninety-three, an act entitled "An act fixing the times and terms of the

circuit courts in the counties composing the several judicial districts in the Commonwealth," be amended by erasing words and November after word "July," in line eleven, and placing after word "each" in line twelve, the following words: "And Wednesday after the first Monday in November, ten juridical days each," so that said section when so amended will read as follows: Twenty-ninth district, Adair county, at Columbia, on the third Mondays in January, May and September, twelve juridical days each; Russell county, at Jamestown, on third Mondays in February, June and October, twelve juridical days each; Cumberland county, at Burkesville, on the third Mondays in March, July and November, twelve juridical days each; Monroe county, at Tompkinsville, on the first Mondays in February, June and October, twelve juridical days each; Metcalfe county, at Edmonton, on first Mondays in March and July, twelve juridical days each, and on Wednesday after first Monday in November, ten juridical days each; Casey county, at Liberty, on first Mondays in April, August and December, twelve juridical days each.

Approved March 15, 1894.

CHAPTER 75.

AN ACT to amend an act, entitled "An act for the creation and organization of towns of this Commonwealth."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter two hundred and fifty-three, section one, of Session Acts one thousand eight hundred and ninety-one-ninety-two-ninety-three, be amended as follows, to wit: Strike out in line two of said section, the words "two hundred," and insert in lieu thereof the words "one hundred and twenty-five," so that the section will read, when amended, as follows:

See Acts 1891-
2-3, page 1387.

“§ 1. No town shall become incorporated as such unless it contains at least one hundred and twenty-five *bona fide* inhabitants residing within the boundaries proposed to be established for such towns; nor shall the boundary of any town or city, when incorporated, exceed one-fourth of a mile in each direction necessary to form a square.”

§ 2. Whereas, the present law prevents certain towns from organizing, and as a demand exists for the amendment in order to enable them to organize at once, therefore an emergency is declared to exist, and this act shall take effect from and after its approval by the Governor.

Approved March 15, 1894.

CHAPTER 76.

AN ACT to amend and re-enact article three of an act, entitled “An act relating to husband and wife, and entitled ‘Husband and Wife,’” approved May sixteenth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That article three of an act, entitled “An act relating to husband and wife, and entitled ‘Husband and Wife,’” approved May sixteenth, one thousand eight hundred and ninety-three, be, and it is, amended and re-enacted, so as the same shall read as follows:

See Acts 1891-
2-3, pages 934-
935, 936, 937,
938, 939, 940,
941.

§ 32. Marriage shall give to the husband, during the life of the wife, no estate or interest in the wife’s property, real or personal, owned at the time or acquired after the marriage. During the existence of the marriage relation the wife shall hold and own all her estate to her separate and exclusive use, and free from the debts, liabilities or control of her husband. No part of a married woman’s estate shall be subjected to the payment or satisfaction of any liability, upon a contract made after marriage, to answer for the

debt, default, or misdoing of another, including her husband, unless such estate shall have been set apart for that purpose by deed of mortgage or other conveyance; but her estate shall be liable for her debts and responsibilities contracted or incurred before marriage, and for such contracted after marriage, except as in this act provided.

§ 33. A married woman may take, acquire and hold property, real and personal, by gift, devise or descent, or by purchase, and she may, in her own name, as if she were unmarried, sell and dispose of her personal property. She may make contracts and sue and be sued, as a single woman, except that she may not make any executory contract to sell or convey or mortgage her real estate, unless her husband join in such contract; but she shall have the power and right to rent out her real estate, and collect, receive and recover in her own name the rents thereof, and make contracts for the improvement thereof. A gift, transfer or assignment of personal property between husband and wife shall not be valid as to third persons, unless the same be in writing, and acknowledged and recorded as chattel mortgages are required by law to be acknowledged and recorded; but the recording of any such writing shall not make valid any such gift, transfer or assignment which is fraudulent or voidable as to creditors or purchasers.

§ 34. Husband and wife may sell and convey her lands or chattels real, but the conveyance must be acknowledged and recorded in the manner required by the chapter on conveyances.

§ 35. The husband shall not be liable for any debt or responsibility of the wife contracted or incurred before or after marriage, except to the amount or value of the property he may receive from or by her, by virtue of the marriage, but shall be liable for necessaries furnished to her after marriage.

§ 36. When the husband abandons the wife and lives

separate and apart from her, or abandons her without making sufficient provision for her maintenance, or when he is confined in the penitentiary for an unexpired term of more than one year, or when he becomes permanently deranged in his mind, the wife, by judgment of a court of equity, may be empowered to sell and convey, by her own deed, any of her real estate freed as to it and its proceeds from any claim of her husband: *Provided*, That in case of insanity he shall have been adjudged a lunatic by a court of competent jurisdiction.

§ 37. After the death of either the husband or wife, the survivor shall have an estate for his or her life in one third of all the real estate of which he or she, or any one for his or her use, was seized of an estate in fee-simple during the coverture, unless the right to such dower or interest shall have been barred, forfeited or relinquished; and the survivor shall have an absolute estate in one-half of the surplus personalty left by such decedent.

§ 38. If the wife voluntarily leave her husband and live in adultery, or if the husband voluntarily leave his wife and live in adultery, the party so offending shall forfeit all right and interest in and to the property and estate of the other, unless they afterwards become reconciled and live together as husband and wife.

§ 39. If the husband, during the coverture, was seized in law of the fee-simple of any real estate, then the wife, if she survive him, may have dower therein, although the husband may not have had actual possession thereof.

§ 40. The wife shall not be endowed of land sold, but not conveyed by the husband before marriage, nor of land sold, in good faith, after marriage, to satisfy a lien or incumbrance created before marriage, or created by deed in which she joined, or to satisfy a lien for the purchase money; but if there is a surplus of the land or proceeds of sale after satisfying

the lien, she may have dower out of such surplus of the land or compensation out of such surplus of the proceeds, unless they were received or disposed of by the husband in his lifetime.

§ 41. A conveyance or devise of real or personal estate, by way of jointure, may bar the wife's interest in the property and estate of her husband; but if made before marriage, without her consent, or during her infancy or after marriage, she may, within twelve months after her husband's death, waive the jointure by written relinquishment, acknowledged or proved before, and left with, the clerk of the county court, and have her dower or share of his estate as herein provided. When she so demands and receives her dower, or such share of his estate, the estate conveyed or devised in lieu thereof shall determine and revert to the heirs or representatives of the grantor or devisor.

§ 42. Where the wife is lawfully deprived of her jointure, or any part thereof, and not by any act of her own, she shall have indemnity therefor out of her husband's estate.

§ 43. The wife shall be entitled to one-third of the rents and profits of her husband's dowable real estate from his death until dower is assigned, and she shall hold the mansion-house, yard, garden, the stable and lot in which it stands, and an orchard, if there is one, adjoining any of the premises aforesaid, without charge therefor, until dower is assigned her.

§ 44. Whether the recovery is against the heir or devisee or purchaser from the husband, the wife shall be endowed according to the value of the estate, when received by the heir, devisee or purchaser, so as not to include, in the estimated value, any permanent improvements he has made on the land; against the heir or devisee or his alienee, her claim for rent shall not exceed five years before action, and against a purchaser from the husband shall only be from the commencement of the action, and in either case it

shall continue up to final recovery. If, after action brought, the widow or tenant dies before recovery, the rent may be recovered by her representative, and against his heirs, devisees and representatives.

§ 45. The wife shall not be barred of dower by reason of any judgment rendered by default or collusion against the husband, if she would be entitled to dower had there been no such judgment; nor shall an heir be bound by any collusive or *ex parte* assignment of dower to the wife, except so far as she shows herself to have been justly entitled thereto.

§ 46. Where the lands are not severally held by different devisees or purchasers, it shall not be necessary to assign dower out of each separate portion, but an equitable allotment may be made in one or more parcels in lieu of the whole.

§ 47. If the husband held land by executory contract only, the wife shall not be endowed of the land, unless he owned such equitable right at his death.

§ 48. If real estate be conveyed or devised to husband and wife, unless a right by survivorship is expressly provided for, there shall be no mutual right to the entirety by survivorship between them, but they shall take as tenants in common, and the respective moieties be subject to the respective rights of the husband or wife as herein fixed, with all other incidents to such tenancy.

§ 49. Divorce from the bond of matrimony shall bar all claim of either husband or wife to the property, real and personal, of the other after his or her decease.

§ 50. Whenever a married woman has become a confirmed lunatic, the circuit court of the county in which is situated land belonging to the husband of such woman may, upon the petition of her husband, adjudge the sale and conveyance of the inchoate right of dower of such married woman. The wife and her committee, if she have one, shall be made defendants to said action; if she have no committee, the court shall appoint an attorney to defend for her, to whom the

court shall make a reasonable allowance to be paid by the husband. A description of said land shall be given in said petition, and the husband's evidence of title filed therewith. If the court be satisfied by the proof that the wife is a confirmed lunatic, it may adjudge the sale and conveyance of her inchoate right of dower in said land; and if she has a committee, the court may direct that he unite with the husband in the deed conveying said land; or, if she has no committee, the court shall appoint a commissioner, who shall unite with the husband in such conveyance. A deed so executed shall pass such wife's inchoate right of dower. Before any judgment pursuant to this section shall be rendered, the husband, with at least two good sureties, shall execute, before the court, a covenant to the Commonwealth for the benefit of the wife, to be approved by the court, that she shall be paid the value of her right of dower in said land should such right thereafter become complete.

§ 51. The wife of an infant husband, or of a husband judicially declared an idiot or lunatic or imbecile, if she be of the age of twenty-one years, or if not, with the approval of the circuit court, on such terms as it may deem equitable, may unite with his guardian or committee, or with the commissioner of the court, in the conveyance of his real estate, so as to release her prospective right of dower, when a sale and conveyance thereof are ordered to be made by the guardian or committee, or by the commissioner or other officer of the court. A wife not of full age may also be permitted by the circuit court to unite with her adult husband in the conveyance of his real estate without terms, or on such as may be deemed equitable, so as to release her prospective right of dower. If, in judicial proceedings to sell the real estate of an infant husband, or of a husband judicially declared an idiot, imbecile or lunatic, his wife is made a party-defendant, and by her answer, and on privy examination in open

court, or by a judge of a court wherein such proceedings are pending, or by a commissioner appointed by the court to take the same, she consents to a sale of the property, free from her prospective right of dower, either without terms or on terms by her designated, the court may, if it deems the terms of such consent equitable, order the sale of such property, free from her prospective right of dower, upon the terms of consent proposed by such wife.

§ 52. A married woman, if she be of sound mind and twenty-one years of age, may dispose of her estate, by last will and testament, subject to the provisions of this act.

§ 53. The provisions of this act relating to the wife's dower, or interest in the husband's real estate, shall apply in all cases, so far as may be, to the husband's interest in the wife's real estate.

§ 54. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Approved March 15, 1894.

CHAPTER 77.

AN ACT to amend section nine of article three of chapter two hundred and sixty two of Acts one thousand eight hundred and ninety-one-ninety-two-ninety-three, entitled "An act in relation to the Library of the Commonwealth and the Librarian thereof, and entitled 'Library,'" approved July twelfth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section nine of article three of chapter two hundred and sixty-two of Acts one thousand eight hundred and ninety-one-ninety-two-ninety-three, approved July twelfth, one thousand eight hundred and ninety-three, be amended by striking out the words "fifty dollars," and insert in lieu thereof the words "seventy-five dollars," so that the same, when amended, shall read as follows :

“ § 9. The Librarian may, with the consent and approval of the Court of Appeals, appoint an Assistant Librarian to assist in taking care of the Library, public buildings and other property under the charge of the Librarian, and in the discharge of other duty imposed by law upon the Librarian as such, for all of whose acts as such assistant the Librarian shall be responsible on his bond ; and upon the certificate of the Librarian that such assistant has been appointed, and has discharged the duties required by the Librarian during the month, the Auditor of Public Accounts shall draw his warrant upon the Treasurer on the last day of each month in favor of such Assistant Librarian for the sum of seventy-five dollars.”

§ 2. Whereas, the necessity of the immediate enactment of this into a law is apparent from the reason that it must be made effective before the new officer enters upon his duties, an emergency is declared, and this act shall take effect upon its approval by the Governor.

Approved March 16, 1894.

CHAPTER 78.

AN ACT to amend a resolution, entitled “ Resolution providing a Curator for the cabinet and other property of the Geological Survey,” approved June twentieth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a resolution, entitled “ Resolution providing a Curator for the cabinet and other property of the Geological Survey,” passed by the General Assembly of one thousand eight hundred and ninety-one-ninety-two-ninety-three, and approved June twentieth, one thousand eight hundred and ninety-three, be, and the same is hereby, amended by striking out all of section one of said resolution, which reads as follows: “That the Inspector of Mines, in addition to his other duties,

See Acts 1891.
2-3, page 1566.

duties, shall be *ex officio* Curator of the cabinet and other property of the Geological Survey, and into whose care and keeping all the records, documents, collections, instruments, apparatus, books, maps and other property of the Survey are hereby confided, and which shall become a part of his office," and substituting in lieu thereof the following words:

"§ 1. That the Inspector of Mines, in addition to his duties as such Inspector, shall be Curator of the cabinet and other property of the Geological Survey or Department, and all the records, documents, collections, instruments, apparatus, books, maps and other property of the Survey are hereby confided to his care and keeping; and, as such Curator, he is hereby required to attend to all correspondence and respond to all requests concerning [the mineral resources of the State that come to him in his said capacity, to attend to the distribution of all published maps and reports in his hands intended for distribution, and to perform all the duties usually devolving upon such a Curator, so far as is applicable in this case: and he shall, whenever the General Assembly shall direct and provide therefor, cause to be printed, under his supervision, any or all of the unpublished reports of the Geological Survey that may be in his custody. He shall be allowed and paid fifty dollars per month as compensation for his services as such Curator, and shall give bond for the faithful performance of his duties as such Curator, with surety to be approved by the Governor."

§ 2. The compensation, provided for in section one of said resolution, as amended herein, shall begin only with the date of the approval of this act.

§ 3. It being just and proper that the compensation provided for in section one hereof shall become available at once, since said Inspector is now, and has been for several months, performing the extra duties of Curator, as provided for herein; an emergency is hereby declared, and this act shall take effect upon its approval by the Governor.

Approved March 15, 1894.

CHAPTER 79.

AN ACT to amend sections nine and fourteen of article six, chapter one hundred and three, of an act, entitled "An act relating to revenue and taxation," which became a law November eleventh, one thousand eight hundred and ninety-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section nine, article six, and chapter one hundred and three, be amended by striking out in second line of said section the word "finally," and in lines third and fourth of same section by striking out the words, "and from such action there shall be no appeal;" so that said section, when so amended, shall read as follows: "The board, in reassembling, shall hear all complaints and pass upon the assessment of all tax-payers, and for that purpose the board, in counties having therein a city of the first or second class, shall remain in session not less than one nor more than ten days, and in other counties not less than one nor more than five days. The board may summon and swear witnesses, and require them to testify. Any person who shall willfully fail to obey the summons of the board, or shall refuse to testify before it when required, shall be deemed guilty of a misdemeanor, and, on conviction, be fined not less than twenty-five nor more than one hundred dollars for each offense."

§ 2. That said section fourteen, article and chapter aforesaid, be amended at the close of said section by adding thereto the following words, to wit: "But any tax-payer feeling himself aggrieved by the action of said board of supervisors, he may appeal to the judge of the county court within ten days after the final adjournment of said board. It shall be the duty of the county attorney to appear and defend for the board;" and said section, when so amended, will read as follows: "Any informality or irregularity in the execution of their duties as supervisors,

and failure of duty on their part, shall not render any assessment invalid; but any tax-payer feeling himself aggrieved by the action of said board of supervisors, he may appeal to the judge of the county court within ten days after the final adjournment of said board. It shall be the duty of the county attorney to appear and defend for the board."

Approved March 15, 1894.

CHAPTER 80.

AN ACT to repeal chapter five hundred and ninety of the Session Acts one thousand eight hundred and eighty-five-eighty-six, entitled "An act to establish, supervise, organize and maintain the Stone Coal graded common school, in district number two, in Pike county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter five hundred and ninety of the Session Acts of one thousand eight hundred and eighty-five-eighty-six, entitled "An act to establish, supervise, organize and maintain the Stone Coal graded common school, in district number two, in Pike county," be, and the same is hereby, repealed and held for naught.

§ 2. Because of the fact that the trustees are to be elected in June, and the district should then be re-organized, and elect trustees under the common school law, therefore an emergency exists, and this act shall take effect from and after its approval by the Governor.

Approved March 16, 1894.

CHAPTER 81.

AN ACT to amend section twenty, article seven, chapter one hundred and ninety-six, entitled "An act for the government of towns of the sixth class," approved May sixth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section twenty of article seven of chapter See Acts 1891-
2-3, page 887. one hundred and ninety-six, entitled "An act for the government of towns of the sixth class," approved May sixth, one thousand eight hundred and ninety-three, be amended by adding thereto, and at the close thereof, these words: "And if, from failure to elect at the time fixed by law, or other cause, there shall be a vacancy in the entire board of trustees, then the county court of the county shall have power to appoint five trustees, who shall hold their office until the next regular election," so that said section, when amended, will read as follows: "When a vacancy occurs in any of the elective offices provided for in this chapter, the board of trustees shall fill such vacancy by appointment for the time fixed in the Constitution; and if a vacancy occurs in an appointive office, the board of trustees shall appoint a successor for the balance of the unexpired term; and from failure to elect at the time fixed by law, or other cause, there shall be a vacancy in the entire board of trustees, then the county court of the county shall have power to appoint five trustees, who shall hold their office until the next regular election."

§ 2. Whereas, great inconvenience now results because no provision exists for filling vacancies in board of trustees in towns of the sixth class; therefore, an emergency is declared to exist, and this act shall take effect from its approval by the Governor.

Approved March 16, 1894.

CHAPTER 82.

AN ACT to amend section seventeen, article two, chapter two hundred and twenty-one, Session Acts one thousand eight hundred and ninety-one-ninety-two-ninety-three, approved June tenth, one thousand eight hundred and ninety-three, entitled "An act relating to courts of justice."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

See Acts 1891-2-3, page 1036.

§ 1. That so much of section seventeen of article two, chapter two hundred and twenty-one, of Session Acts one thousand eight hundred and ninety-one-ninety-two-ninety-three, entitled "An act relating to courts of justice," approved June tenth, one thousand eight hundred and ninety-three, which reads as follows: "Second district, Marshall county, at Benton, on second Mondays in March, June and October, eighteen juridical days each; McCracken county, at Paducah, on the first Monday in January, forty-eight juridical days; first Monday in April, thirty-six juridical days; first Monday in August, forty-eight juridical days; and first Monday in November, thirty-six juridical days," be, and the same is hereby, repealed, and the following is substituted therefor, to wit: Second district, Marshall county, at Benton, three terms, on first Monday in March, twenty-four juridical days, second Monday in June, eighteen juridical days, and fourth Monday in September, eighteen juridical days; McCracken county, at Paducah, three terms, on first Mondays in April, September and December, eighteen juridical days each, and three terms, first Monday in January, forty-eight juridical days; fourth Monday in April, and third Monday in October, thirty-six juridical days each.

Approved March 15, 1894.

CHAPTER 83.

AN ACT relating to voluntary assignments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. Every voluntary assignment made by a debtor to any person in trust for his creditors shall be for the benefit of all the creditors of the assignor, in proportion to their respective claims, after the payment of the expenses of the trust; except that property, or any part thereof, conveyed by the deed of assignment, and upon which there is a valid lien, shall be first applied to the discharge of the lien debt; and if the property is not sufficient to satisfy the lien, the lien creditor shall have the right to present the remainder of his debt unsatisfied by the lien property as a claim against the estate, and receive thereon his pro rata share of the assets in the same manner as creditors whose claims are not secured by a lien; except that debts due by the assignor as guardian, committee, trustee of an express trust created by deed or will, or as personal representative, shall be paid in full before the general creditors receive any thing.

§ 2. The assignor, within five days from the day upon which the deed of assignment is lodged for record, shall file in the county where the assignee qualifies, to be recorded therein, a schedule, under oath, setting forth the general nature and full value of the estate assigned, together with a list of the names of his creditors, and their post-office address, the amount due to each, and whether secured by lien or not. The deed of assignment shall be acknowledged by the assignor in the same manner as other deeds, and shall be recorded in the county clerk's office of the county where the assignor resides, and where the business in respect of which the same is made, is carried on, and in each county where a tract of land or the greater part thereof conveyed by the deed is

situated ; and the deed shall vest in the assignee the title to all the estate, real and personal, with all deeds, books and papers relating thereto belonging to the assignor at the time of making the assignment, except the property exempt by law, shall not pass unless embraced in the deed ; and the intent of the assignor in making the assignment, whether appearing upon the face of the deed or otherwise, shall not invalidate the deed, unless he be solvent, and it appear that the assignment was made to hinder or delay creditors.

§ 3. The assignee shall, when the deed is lodged for record, or within seven days thereafter, execute a bond with good security, to be approved by the county judge, conditioned for the faithful discharge of his duties as assignee, which bond shall be recorded in the county clerk's office. If the person named in the deed as assignee fails, for any cause, to qualify within the time named, or fails within said time to execute a sufficient bond, the county judge shall, by order entered of record, appoint an assignee, who shall, within five days, give bond with good surety, and thereupon shall be vested with the same rights, powers and responsibilities in respect to the estate assigned as if named in the deed as assignee.

§ 4. The court may at any time, upon its own motion, or upon motion of any party in interest, and after ten days' notice to the assignee, require him to execute a new bond, or give additional security if the bond theretofore is not sufficient ; and if he shall fail or refuse to execute, within the time allowed by the court, a new bond, or give additional security on his bond when required so to do by the court, the court shall, by an order entered of record, remove such assignee, and appoint another in his stead, who shall execute bond in the same manner as the original assignee, and proceed to settle up the estate, and to this end may institute such proceedings as may be necessary against the former assignee and his sureties.

§ 5. An assignee may resign his trust upon settling his accounts, and the settlement shall be confirmed and the assignee discharged from liability at the second regular term of the court after the settlement has been filed, if no exceptions are filed thereto ; if exceptions are filed, they shall be heard and determined by the court.

§ 6. If an assignee shall reside out of the State, or become insane or otherwise incapable of discharging the trust, the court may, upon ten days' notice to him or his attorneys or committee, remove him and appoint another in his stead ; or, if creditors representing one-half in number and two-thirds of the amount of debts against the estate shall so request, in writing, the court shall remove the assignee and appoint another in his stead.

§ 7. The sureties, or any of them, on the bond of the assignee may be released or indemnified in the manner provided for the release or indemnity of sureties on official bonds, and the same proceedings shall be had as is provided in such cases upon the failure to give other or additional security.

§ 8. It shall be the duty of the assignee to file in the clerk's office of the county court, as soon as may be, and within fifteen days after his qualification, unless the court allows longer time, an inventory verified by him of all the estate that came into his hands. If any property comes to the possession of the assignee after filing the inventory, he shall file in like manner an inventory thereof.

§ 9. The assignee shall, at all times except as hereinafter provided, be subject to the orders and supervision of the county court, or the judge thereof in vacation, and may be required at any time upon reasonable notice, to file such reports as may be ordered ; and may, when the court so directs, be examined in open court touching the condition of the estate and the management thereof.

§ 10. The court may, upon the request of the as-

signee or any creditor, require the assignor or any debtor to appear in court after reasonable notice and answer such questions touching the estate or claims against the same as may be deemed proper.

§ 11. If the assignor, before making the deed, shall have made a preferential or fraudulent transfer, conveyance or gift of any of his property, or a fraudulent purchase of any property in the name of another, the property so fraudulently transferred, conveyed or purchased shall vest in the assignee, and it shall be his duty to institute such proceedings as may be necessary to recover the property so conveyed or disposed of, and to this end he shall have the remedies which the creditors or any of them might exercise. If the assignee, upon demand, shall refuse to institute such proceedings, any creditor may do so, and property so recovered shall become a part of the estate, and be distributed as other assets.

§ 12. If the assignor reserves any of his property under the exemption law, the court shall appoint three competent and disinterested housekeepers, who, after being first duly sworn, shall set apart to the debtor the property so claimed, and a report of the same shall be filed within ten days thereafter by the assignee. If land is exempt, an order shall be entered directing the assignee to employ, if necessary, a competent surveyor to lay off by metes and bounds the homestead exemption as set apart by the appraisers. The report setting apart the exempted property may be excepted to by any person in interest at not later than the second regular county court after it has been filed; and if no exceptions are filed to the same, it shall be confirmed by the court. If exceptions are filed, they shall be heard by the court and disposed of.

§ 13. If a homestead is claimed, the court may, by consent of the assignor, and if it appears best for the interest of the creditors, or if the land is not divisible without impairing its value, direct the property sold,

and the value of the homestead, not exceeding one thousand dollars, to be paid to the assignor.

§ 14. Personal property conveyed shall be sold by the assignee at private or public sale, as the court may direct; and the assignee shall have power to pass title to the same as fully as the assignor could have done at the date of the assignment. Real property shall be sold in the same manner and upon the same terms as real property sold at decretal sale, and the court may make such orders concerning the advertisement of the sale as it deems proper, and the assignee shall have power to convey and pass all the right and title to the same which the grantors in the deed of assignment had at its date. The report of sale shall be filed by the assignee within ten days after the sale, and if no exceptions are filed thereto, the same shall be confirmed at the second regular term after it has been filed. If exceptions are filed, they shall be heard by the court and disposed of.

§ 15. An appeal may be taken from the judgment of the county court overruling or sustaining an exception by the assignor, assignee or any party in interest, to the circuit court. The appeal shall be taken in the same time and manner as appeals are taken from the quarterly to the circuit court, and the party appealing shall execute bond with good sureties, to be approved by the clerk of the circuit court, as appellants are required to do when appealing from the judgment of the quarterly court. In all cases where an appeal is taken to the circuit court, the judgment of the circuit court shall direct the county court what order to enter in the case appealed, and the order so directed to be entered shall be made by the county court at its first regular session held thereafter. If an appeal is prosecuted from the circuit court to the Court of Appeals, the circuit court shall, in like manner, certify the judgment to the county court.

§ 16. All orders and proceedings in the county

court, except as herein provided, shall be *ex parte*, and upon motion, and in no case need a petition be filed ; nor shall a notice or summons be issued to any person unless the court so orders, or some person in interest requests it ; but when exceptions are filed to a claim or report, the party affected thereby shall have ten days' notice of the time when the same will be heard.

§ 17. The assignee shall, within two months after his appointment, give notice of the time and place where he will sit to receive claims against the estate, by publication for four weeks, once a week, in some newspaper published in the county, and if none, by notice posted at the court house door for four weeks ; and to such of the creditors as do not reside in the county where the assignee qualifies, he shall mail notice to their last known place of address. Any creditor failing to present at the time named, within three months thereafter, his claim, verified in the same manner as claims against the estate of decedents, except that it need not be verified by a person other than the claimant, shall be deemed to have waived his right to any part of the assigned estate ; but the court may direct the assignee to receive the claim at any time before the final distribution of the estate, and allow the same, and pay dividends thereon as on other claims, if there is sufficient unappropriated assets in his hands. Claims not due shall be presented in the same manner as claims due ; but if claims not due are not bearing interest, a just abatement shall be made.

§ 18. The assignee shall have power to administer oaths and examine witnesses touching claims, and may allow or refuse to allow any claim or part thereof. He shall file in the county court, within six months after his appointment, and every three months thereafter until discharged, a list of all claims presented to him, including those allowed, as well as those not allowed, with his reasons for refusing to allow them, and at the second regular term of the court held

thereafter the report shall be confirmed, unless exceptions are filed thereto. Any creditor may file exceptions to the report because of the failure to allow his claim, or because of the allowance of any claim, and the court shall thereupon hear and decide the exceptions.

§ 19. As soon as practicable, and within nine months after his appointment, the assignee shall pay upon the claims allowed such an amount as the means on hand will permit, after deducting expenses and his allowance, which shall be made by the court, and shall thereafter, and when he has funds sufficient to pay five per centum on the claims allowed, distribute the same. Within fifteen days after each distribution he shall file in the court a report of the same, which shall lie over until the second regular term thereafter for exceptions; and if none be filed, it shall then be confirmed. If exceptions are filed, they shall be heard by the court and determined.

§ 20. The assignee may, when he becomes satisfied that it is no longer to the interest of the estate to keep the assignment open, move the county court to discharge him from the trust, and release him from all liability on account thereof, and he shall cause notice to be published in four issues of some newspaper published in the county, if any, if not, by notice posted at the court-house door for at least four weeks, of his application to be discharged; and at the second regular term of the county court held after the motion is entered, the court shall, upon proof that the required notice was given, enter an order discharging the assignee from his trust and releasing him from all liability on account thereof, unless objection is made; if objection is made, the court shall hear the same and make such orders as are proper.

§ 21. Whenever it appears that it is to the interest of the estate, the court may enter an order directing the assignee to sell, compound or compromise any debts due the estate, or to compromise any claims or

demands against the estate, but no such order shall be made within thirty days after the application therefor shall have been made and filed.

§ 22. If the assignor should settle or compromise with his creditors before the final discharge of the assignee or settlement of the estate, the writing showing the settlement or compromise shall be filed in the county court, and an order made discharging the assignee.

§ 23. The provisions of this chapter shall not prevent actions to settle estates by the assignee, or by any creditor or creditors representing one-fourth of the liabilities, from being brought in the circuit court: *Provided*, That whenever a suit involving a settlement of the estate shall be brought in the circuit court of the county in which the assignment is made, the jurisdiction of the county court shall cease, and all papers relating to the estate, and filed in the county court, shall be transmitted by the clerk thereof to the clerk of the circuit court, and by him filed in such suit.

Approved March 16, 1894.

CHAPTER 84.

AN ACT for the protection of food-fishes in certain waters in the State of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person or persons to catch or destroy fish in any of the running waters, lakes or ponds, other than private ponds of this State, by means of a seine, net other than a dip-net, drag or trap, except streams forming the boundary line between this and other States. Any one thus offending shall, on conviction, be fined in a sum not less than twenty-five dollars nor more than fifty dollars for each offense, and cost of prosecution.

§ 2. That any person or persons who shall place, or

cause to be placed, in any of the running waters designated in section one, any drug, injurious substance, medicated bait, or any dynamite or other explosive agent, with intent to injure, poison or catch fish, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty dollars nor more than one hundred dollars for each offense, and cost of prosecution.

§ 3. That sixty per centum of all the fines collected for violations of the provisions of this act shall be paid into the treasury of the county in which such fines are imposed, the remaining forty per centum to be paid to the civil officer securing the apprehension and conviction.

§ 4. That the circuit courts of the respective counties of the State, wherein any of the offenses herein enumerated are committed, shall have exclusive jurisdiction to indict, try and punish such offenders.

§ 5. That it shall be the duty of the judge in all circuit courts of the respective counties of this State to give this act specially in charge to each grand jury of said court.

§ 6. That this act shall not be construed to prevent any person from using minnow seines less than ten feet in length and four in depth to catch minnows for bait or trot-lines or pole and line to catch fish.

§ 7. That acts or parts of acts heretofore passed in conflict with this act are hereby repealed.

§ 8. Whereas, the fish in the streams of this State are being constantly killed by drugs and by dynamite and other explosives, an emergency is declared to exist, and this act shall take effect when signed by the Governor.

Approved March 19, 1894.

CHAPTER 85.

AN ACT to amend section three of chapter two of Session Acts of one thousand eight hundred and ninety-four, entitled "An act to prevent the printing and distribution of obscene literature, and the sale or exhibition of obscene pictures, and the manufacture or distribution or sale of articles or instruments for immoral use," approved January twenty-seventh, one thousand eight hundred and ninety-four.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section three of chapter two of Session Acts one thousand eight hundred and ninety-four, entitled "An act to prevent the printing and distribution of obscene literature, and the sale or exhibition of obscene pictures, and the manufacture or distribution or sale of articles or instruments for immoral use," approved January twenty-seventh, one thousand eight hundred and ninety-four, be, and the same is hereby, amended by adding after the word "who," in the first line of said section, the words, "is guilty of a violation of sections one and two of this act, or either of them, or." So that said section, as amended, will read in full, as follows:

"§ 3. Any person or corporation who is guilty of a violation of sections one and two of this act, or either of them, or in any manner hires, employs, uses or permits any minor or child to do or assist in doing any act or thing mentioned in this section, is guilty of a misdemeanor, and, upon conviction, shall be sentenced to not less than ten days nor more than one year's imprisonment, or be fined not less than fifty dollars, nor more than one thousand dollars, or both fined and imprisoned for each offense.

Approved March 19, 1894.

CHAPTER 86.

AN ACT to regulate the assessment and sale of lands for taxation owned by non-residents of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall hereafter be unlawful for any assessor of this State to list any lands owned by non-residents of this State that have heretofore been sold, or that may hereafter be sold, and purchased by the State for taxes due thereon, except as hereinafter provided.

§ 2. That the owners of all such lands that have heretofore been sold, or may hereafter be sold, and purchased by the State for taxes due thereon, shall be required to pay, in addition to the amount said lands were sold for, all taxes accumulated thereon after the sale of the same to the date of the redemption, to the officers now required by law to receive it.

§ 3. That whenever the owners of said lands shall redeem same, as provided in the second section of this act, it shall then be the duty of the clerk of the county court to certify said redemption to the assessor of the county, whose duty it shall be to list the same for taxation.

§ 4. That any assessor who shall list any of said lands in violation of this act shall be guilty of a misdemeanor, and fined not exceeding two hundred dollars for each offense.

Approved March 19, 1894.

CHAPTER 87.

AN ACT to amend the provisions of the Civil Code of Practice concerning injunctions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two hundred and seventy-one of the Civil Code of Practice be, and the same is hereby, repealed, and in lieu thereof the following section is enacted :

“§ 271. An injunction may be the final judgment in an action, or may be allowed as a provisional remedy, and, if so allowed, it shall be by order. When any mandatory injunction shall be granted, the order or judgment may affirmatively direct the party enjoined to do the act or thing required to be done. The writ of injunction is abolished.”

§ 2. That section two hundred and seventy-three of the Civil Code be amended so that the section, as amended, shall read :

“§ 273. The injunction may be granted at the commencement of the action, or at any time before judgment by the court, or by any circuit judge, or by the clerk of the court, or the county judge if the judge of the court be absent from the county, or by two justices of the peace if the judge and the clerk of the court and the county judge be absent from the county. No injunction shall be granted by any of the foregoing officers, unless it appear from the affidavit of the party applying therefor that it has not been refused by the court; nor shall such injunction be granted by a clerk or county judge or justice unless it appear from such affidavit that it has not been refused by the court or any circuit judge. No injunction or temporary restraining order shall be granted until after the petition seeking the injunction shall be filed. No injunction or temporary restraining order shall be granted by any circuit or other judge of similar juris-

dition in any action pending outside of the circuit or county wherein such judge shall preside, unless it shall appear from the affidavit of the plaintiff that there is no circuit or other judge of similar jurisdiction present at the time in the county where the action is pending."

§ 3. That section two hundred and seventy-six of the Civil Code be, and the same is hereby, repealed, and in lieu thereof the following section is enacted:

"§ 276. An injunction shall be granted only upon reasonable notice, in writing, to the party sought to be enjoined, of the time and place of the application therefor, and of the court or officer to whom the application is to be made. Where the court or officer to whom the application for an injunction is made shall be satisfied by the facts set forth in the affidavit of the applicant, or by other evidence, that irreparable injury will result to the applicant from the delay of giving notice, the court or officer may enter a temporary order restraining the act or acts sought to be enjoined, or it may be mandatory in its nature, if the case so require, except that no mandatory restraining order shall be entered by any clerk, county judge or two justices in any case. Such restraining order shall in no case be granted until the applicant shall have given bond, as prescribed by subsection three of section two hundred and seventy-eight of the Civil Code, and a copy of the order shall be forthwith served upon the party or parties sought to be enjoined. The restraining order, if made by the court, or any circuit or other judge of similar jurisdiction, shall set forth a reasonable place and time, not to exceed ten days from the day upon which the order is made, at which the applicant shall move the court or judge to grant the injunction; and the order shall remain in force until the motion is heard and determined, but not for a greater length of time than ten days after the day fixed in the order for hearing the application. Such

motion for injunction shall be tried as provided in this Code for the trial of applications for injunctions of which notice has been given in the first instance. The restraining order, if made by the clerk of the court, the county judge or two justices of the peace, shall remain in force until set aside or modified, or until the injunction is granted as provided in section two hundred and ninety of the Civil Code as amended by this act."

§ 4. That section two hundred and eighty-nine of the Civil Code of Practice be, and the same is hereby, repealed.

§ 5. That section two hundred and ninety of the Civil Code of Practice be, and the same is hereby, repealed, and in lieu thereof the following section is enacted:

"§ 290. A motion to dissolve or modify an injunction, or to set aside or modify a restraining order, granted by the clerk of the court, the county judge or two justices of the peace, may be made before the court, or any circuit or other judge of similar jurisdiction, who is competent to grant an injunction in the case under section two hundred and seventy-three of the Civil Code, as amended by this act, at any time after reasonable notice, in writing, to the plaintiff or applicant for the injunction or restraining order of the time and place of the motion and of the judge before whom it is to be made. Upon the hearing of such motion, either party may read affidavits, and the court or judge shall, within ten days from the hearing, sustain or overrule the motion to dissolve or modify the injunction, or shall set aside or modify the restraining order, or grant an injunction in lieu of the same, as the case may require, and shall try either of such motions as if it were an application for an injunction *de novo*. The order of the judge overruling the motion to dissolve or modify an injunction, or dissolving or modifying an injunction; or setting aside or modifying a restraining order, or granting an injunction,

with the notice, shall be returned to the office of the clerk of the court, and the order obeyed as if made by the court.”

§ 6. That section two hundred and ninety-six of the Civil Code of Practice be amended so that the section, as amended, shall read :

“ § 296. (1) If the plaintiff desire to apply for a reinstatement of an injunction dissolved or modified, on motion, the court or judge shall make the order of dissolution to take effect in a reasonable time thereafter, not exceeding twenty days, and shall express in the order that the plaintiff has leave to apply in the meantime for a reinstatement of the injunction. (2) Where an injunction has been granted or continued by any interlocutory order or decree, the party enjoined may, within twenty days from the entry of such order or decree, apply to a Judge of the Court of Appeals for a dissolution or modification of the injunction.”

§ 7. That section two hundred and ninety-seven of the Civil Code of Practice be amended so that the section, as amended, shall read :

“ § 297. A Judge of the Court of Appeals, if the plaintiff have secured the right to apply for a reinstatement of an injunction, or if the party enjoined move to have the injunction dissolved or modified, may, upon a presentation of a copy of the record, including the evidence read, or offered to be read, upon the motion to dissolve or modify the injunction, reinstate the same in whole or in part, or may dissolve or modify the injunction. The plaintiff in the application shall give reasonable notice, in writing, of the time and place of the application for reinstatement of the injunction, or of the motion to dissolve or modify, and of the judge to whom it is to be made, to the party affected thereby. If the order of reinstatement be filed in the clerk’s office in the time limited as provided in section two hundred and ninety-six, subsection one, the injunction, as reinstated, shall be obeyed, otherwise the order of dis-

solution or modification shall take effect. And if the order dissolving or modifying the injunction be filed in the clerk's office in the time limited as provided in section two hundred and ninety-six, subsection two, the order of dissolution or modification shall take effect, otherwise the injunction shall remain in force."

§ 8. That section two hundred and eighty-six of the Civil Code of Practice be so amended that the section, as amended, shall read :

"§ 286. Disobedience of an injunction may be punished by the court, or by the judge thereof, or any circuit judge in vacation, as a contempt. Where the case has been appealed such disobedience may be punished by the Court of Appeals, or by any judge thereof during a vacation, recess or adjournment of said court. Upon production of evidence by affidavit of the breach of an injunction, the court, or any judge thereof during vacation, may proceed by rule and attachment against the party committing the breach, who may introduce like evidence in his behalf. Should the party be held to be in contempt, unless he purge the contempt, the judge in vacation may commit him to jail until the sitting of the court, or take a bond with security for his appearance to answer for the contempt at the next term of the court, and, in the meantime, to obey the injunction."

§ 9. That section seven hundred and forty-seven of the Civil Code of Practice be so amended that the section, as amended, shall read :

"§ 747. An appeal shall not stay proceedings on the judgment unless a supersedeas be issued. The provisions of the Civil Code concerning supersedeas on appeals shall not apply to judgments granting, modifying, perpetuating or dissolving injunctions. When an appeal shall be taken from any judgment granting, modifying, perpetuating or dissolving any injunction, the court which rendered the judgment may, in its discretion, if the ends of justice so require, at the time the appeal is taken, make an order suspending,

modifying or continuing the injunction during the pendency of the appeal, upon such terms as to bond or otherwise as may be proper for the security of the rights of the opposite party. Either party, within twenty days after the entry of such order, may take a transcript of the record, or all parts thereof appertaining to the injunction, and upon reasonable notice in writing to the opposite party, move the Court of Appeals, or, if in vacation, any judge thereof, to revise the order of the lower court, and finally determine how far the injunction shall be suspended, modified or continued, pending the appeal. Pending such application to the Court of Appeals or judge thereof, but not longer than for twenty days, the status existing immediately before the entry of the judgment appealed from shall be maintained, and the lower court shall so provide in the judgment upon the request of either party. If, at any time, upon reasonable notice to the party affected, it may be made to appear that the sureties upon the bond required in the court below are insufficient, the Court of Appeals, or a judge thereof in vacation, may set aside the order suspending, modifying or continuing the injunction pending the appeal, unless sufficient surety be furnished by a day fixed by the court or judge."

§ 10. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 19, 1894.

CHAPTER 88.

AN ACT to repeal chapter eight hundred and seveney-three of the Acts of the General Assembly of the Commonwealth of Kentucky, establishing a board of commissioners for Carter county, approved April fifth, one thousand eight hundred and eighty-eight.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter eight hundred and seventy-three of the Acts of the General Assembly of the Common-

wealth of Kentucky, with all the amendments thereto, establishing a board of commissioners for Carter county, Kentucky, and defining their duties, approved April fifth, one thousand eight hundred and eighty-eight, be, and the same is hereby, repealed.

Approved March 19, 1894.

CHAPTER 89.

AN ACT to amend section seven, article six, of "An act relating to revenue and taxation."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section seven, article six, of "An act relating to revenue and taxation," which became a law November the eleventh, one thousand eight hundred and ninety-two, be, and the same is hereby, amended, so as to read as follows, namely:

"§ 7. The board shall continue in session at the first meeting not less than two nor more than six days in counties having a population less than twenty thousand and not containing therein a city of the first, second, third or fourth class; and in counties having a population of twenty thousand or more, and not containing therein a city of the first, second, third or fourth class, the board shall continue in session not less than two nor more than eight days; and in counties having therein a city of the first class, the board may remain in session twenty days; and in counties having therein a city of the second class, the board may remain in session fifteen days; and in counties having therein a city of the third or fourth class, the board may remain in session ten days. The clerk of the county court shall act as clerk of the board of supervisors. He shall be allowed the same compensation for his services as a member of the board, and be paid in the same way. It shall be the duty of said

See Acts 1891-
2-3, page 315.

clerk to make out and deliver to the sheriff a list of the names of all persons whose property has been raised by the board of supervisors and the amount thereof."

Approved March 19, 1894.

CHAPTER 90.

AN ACT to legalize the acts of officers in sixth class towns of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That whereas, it appears that many of the towns of the sixth class in this Commonwealth failed to hold their election as prescribed by the Constitution, but did elect officers of said towns under their old charters, and that said officers qualified in the manner required, and entered upon, and have ever since been engaged in, the discharge of the duties of said offices, and have done many things important to the welfare and good government of said towns, and said offices not having been filled by election as provided in the act, entitled "An act for the government of towns of the sixth class," approved May sixth, one thousand eight hundred and ninety-three, and doubts existing as to the validity of the acts of such officers ; therefore it is declared that all of the official acts and proceedings of the aforementioned officers in their respective offices shall be as valid in all respects and for all purposes as if they, and each of them, had been duly elected at the time and in the manner provided by law prior to the doing of said acts, and so forth.

§ 2. It appearing that great uncertainty and confusion exists in said towns, and that the collection of taxes for support of the government thereof, because of the alleged invalidity of the acts and proceedings

of the aforesaid officers, therefore it is declared that an emergency exists, and that this act shall be in force from its approval by the Governor.

Approved March 19, 1894.

CHAPTER 91.

AN ACT to amend an act, entitled "An act for the government of cities of the fourth class," approved June twenty-eighth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one hundred and seven of an act, entitled "An act for the government of cities of the fourth class," approved June twenty-eighth, one thousand eight hundred and ninety-three, be, and it is hereby, amended so as to read as follows, namely :

§ 107. Any city of the fourth class, in which said system of public schools shall be established and maintained, shall constitute one common school district, and the Superintendent of Public Instruction shall pay every year, out of the common school fund of the State, to the white board of education, the same amount per capita for each white child of pupil age in said district, and to the colored board of education the same amount per capita for each colored child of pupil age in said district, as he shall pay to each child of pupil age in other school districts in the State. Whenever the board of council of any city of this class shall determine by ordinance to establish and maintain a system of public schools therein under the provisions of the act mentioned in the title of this act, or in case there was a failure at the last election provided for in said act to elect a board of education in any city of the fourth class, the board of council shall have the power and authority to appoint trustees for such school, to serve until the election and qualification of trustees as provided in section eighty-nine of said act, as amended herein.

§ 2. Whereas, there is uncertainty and confusion as to the construction and proper execution of the law upon the subjects herein treated as it now stands, an emergency is declared to exist, and this act shall take effect when approved by the Governor.

Approved March 19, 1894.

CHAPTER 92.

A N ACT to amend an act relating to executions, approved June tenth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section five, chapter two hundred and nineteen, article fifteen, be amended by inserting after the word "raiment," in the last line, the words "fuel, medicine," so that the section will read:

"§ 5. The wages, not to exceed fifty dollars of all persons who work for wages, shall be exempt from execution, attachment, distress for rent, garnishment or fee bills: *Provided*, That the exemption of fifty dollars shall not apply to debts contracted for food, raiment, fuel, medicine or house rent for the family."

§ 2. Inasmuch as under the law as it now stands it is difficult for poor persons to obtain credit for fuel, an emergency is declared to exist, and this act will take effect when approved by the Governor.

Approved March 19, 1894.

CHAPTER 93.

A N ACT to punish persons for trespassing and pilfering along the shores of the navigable waters of the Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That any person or persons living in or occupying any boat or boats as a residence or place of abode,

known and commonly called family or fish or junk or shanty boats, floating and being upon any of the navigable waters or the shores thereof, within the jurisdiction of this Commonwealth, who shall land and fasten or beach such boat or boats at any place along the shores of such waters (other than at a public landing) without the consent of the owner or tenant occupying the land at the shore where such boat or boats is landed and fastened or beached, and any person so offending shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than five or more than twenty dollars, or be imprisoned in the county jail not less than five or more than twenty days, or may be both so fined and imprisoned.

§ 2. Any person or persons living on or in or occupying any boat or boats, such as named and described in the first section of this act, as a home or place of abode, who shall land and fasten or beach such boat or boats to or on the shore or shores of any of the navigable waters within the jurisdiction of this Commonwealth (other than at a public landing), without the consent of the owner of the land where such boat or boats is landed and fastened or beached, and shall take from the shore or lands any stone, gravel, coal, timber, lumber, fencing, fruit, grain, nuts, potatoes or other vegetables, fowls or other things of value, and which does not amount to a felony or petty larceny, shall be deemed guilty of a misdemeanor, and, upon conviction of any of the offenses mentioned in this section, shall be fined in any sum not less than twenty-five or more than one hundred dollars, and be imprisoned in the county jail for not less than ten or more than thirty days.

Approved March 19, 1894.

CHAPTER 94.

AN ACT to amend section sixteen, article two, of an act, entitled "An act relating to courts of justice," approved June tenth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section sixteen, article two, of an act, See Acts 1891-
2-3, page 1035. entitled "An act relating to courts of justice," approved June tenth, one thousand eight hundred and ninety-three, be, and it is, amended and re-enacted so as to read as follows:

"§ 16. In each county of said districts, except counties having continuous session, there shall be held each year the number of terms of the circuit court provided for by law, and the term in any district may be extended if the business requires, so that it does not interfere with any other term in the district; and whenever it is necessary to transact the business, a special term may be held in any county, either by an order entered of record at the last preceding regular term in the county or by notice signed by the judge and posted at the court-house door of the county for ten days before the special term is held. The order or notice shall specify the day when the special term is to commence, and shall give the style of each case to be tried, or in which any motion, order or judgment may be made or entered at the special term, and no other case shall be tried, or motion, order or judgment entered therein, unless by agreement of parties. Grand juries shall be summoned and criminal and penal causes shall be heard at but three terms, in each year, in any county, to be fixed by order of court, unless in an emergency the court may otherwise direct; and grand or petit juries may be summoned for any special term by direction of the judge."

§ 2. Whereas, the foregoing regulation is needed

for the convenient conduct of business in certain counties, an emergency is declared to exist, and this act shall be in force from its approval by the Governor.

Approved March 19, 1894.

CHAPTER 95.

AN ACT to regulate and insure the assessment of property for taxation, and the payment of taxes thereon, belonging to non-residents of the counties in which the same is situated.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of all persons owning any lands, mineral rights, or standing (branded) trees of any kind whatever, on the lands of another, or any coal, oil or gas privileges, by lease or otherwise, or any interest therein, in any counties in this Commonwealth other than the county in which they reside, or if they reside out of this State, to file a descriptive list with the clerk of the county court of the county in which said property is situated, under oath, showing the number of any such branded trees, giving the kinds of each, and upon whose land or lands the same is situated, also the number of acres of lands, mineral rights, coal, oil or gas rights, and the actual location by metes and bounds, courses and distances of each tract, giving the nearest resident to each, on or before the fifteenth day of August, one thousand eight hundred and ninety-four, from which descriptive list or lists the assessor of the county in which same is filed will list the same for taxes each year at its fair cash value; and any person failing to comply with the requirements of this act shall be fined for each of such failures one hundred dollars and costs.

§ 2. It shall be the duty of the sheriff or tax collector, if any of the property herein referred to shall be sold by him for such taxes, to be governed in the

advertisement and sale of the same, under the laws now in force in this Commonwealth regulating sales of lands under execution ; and if said sheriff or tax collector shall, at the time of such sale, have both State and county taxes against said property, and fails to get a bidder to cover said taxes and costs, he shall strike the same off one-half to the State and the other half to the county, in payment of said taxes, and certify the same to the clerk of the county court of said county, and also to the Auditor of this State ; and if said sheriff or tax collector shall fail herein, he shall be fined twenty dollars.

§ 3. That any lands or other property sold for taxes under the provisions of this act may be redeemed by the owner thereof, as is now provided by law for the redemption of such property when sold for taxes.

§ 4. This act shall be construed to mean that all tracts or parts of lands shall be listed in the counties in which they may be situated.

§ 5. All laws in conflict herewith are hereby repealed.

§ 6. This act shall take effect and be in force from and after the fifteenth day of August, one thousand eight hundred and ninety-four.

Approved March 19, 1894.

CHAPTER 96.

A N ACT to amend an act, entitled "An act for the government of towns of sixth class."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section thirty one of article nine be amended by inserting after the words "shall be paid out of the general fund of the town," the following: "Or by the owners of the land fronting or abutting thereon, as the board of trustees may in each case de-

See Acts 1891-
2-3, page 892.

termine," so that said section, when amended, will read as follows:

"§ 31. The board of trustees are empowered to order any work they deem necessary to be done upon the sidewalks, curbing, avenues, highways, sewers and public places of the town. The cost and expenses incurred in constructing or repairing streets, avenues, highways, sewers and public places shall be paid out of the general fund of the town, or by the owners of the lands fronting and abutting thereon, as the board of trustees may in each case determine, but the local assessment shall not exceed twenty-five per centum of the value of the property assessed. The expense incurred in making and repairing sidewalks and curbing shall be paid by the owners of lands fronting and abutting thereon, if the board of trustees so order, each lot or portion of a lot being separately assessed for the full value thereof, in proportion of the frontage thereof to the entire length of the whole improvement not exceeding a square, sufficient to cover the total expense of the work. Whenever the expense of the work shall have been assessed on any property as herein provided, the amount of said expense shall become a lien upon said property, which shall take precedence of all other liens, and which shall be enforced by the contractor or the town in accordance with the provisions of the Code of Practice."

§ 2. That section twelve of article five be amended by inserting after the word "office," in the first line thereof, and before the word "in," in second line, "except that of marshal," so that said section, when amended, will read as follows:

"§ 12. No person shall be eligible to hold any office except that of marshal in such town, whether filled by election or appointment, unless he be a resident and elector therein, and shall have resided in said town for one year next preceding the date of such election or appointment. But the marshal shall be a resident of the town when appointed or elected."

§ 3. That section twenty of an act, entitled "All See Acts 1891-
act for the government of towns of the sixth class,"
be amended by adding thereto the following words,
namely: "*Provided*, That when a vacancy occurs in
the bord of trustees the county judge may fill such
vacancy by appointment until the next regular elec-
tion," so that said section, as amended, will read as
follows: "When a vacancy occurs in any of the
elective offices provided for in this chapter the board
of trustees shall fill such vacancy by appointment
for the time fixed in the Constitution; and if a va-
cancy occurs in an appointive office, the board of
trustees shall appoint a successor for the balance of
the unexpired term: *Provided*, That when a vacancy
occurs in the board of trustees, the county judge
may fill said vacancy by appointment until the next
regular election."

§ 4. Amend section forty-three of said act by strik- See Acts 1891-
ing out the words "four times each year at intervals 2-3, page 898.
of three months," and insert in lieu thereof the words
"twelve times each year at intervals of one month,"
so that said section will read:

"§ 43. A police court is hereby established in such
towns, to be held by the police judge of such towns.
Said police court shall have jurisdiction concurrent
with the justice's courts of all criminal cases and pro-
ceedings, but such jurisdiction shall be confined to
cases occurring within the city, and said courts shall
always be open for the trial of penal and criminal
causes; and said police courts in cities and towns of
the sixth class, having a population of two hundred
and fifty or more, shall have jurisdiction concurrent
with justices' courts in civil actions and proceedings;
and a court shall be held twelve times each year, at
intervals of one month, for the trial of civil cases, the
terms to be fixed by the board of trustees. Said court
shall have exclusive jurisdiction of all actions for the
recovery of any fine, penalty or forfeiture prescribed
for the breach of any ordinance of such town, and of

all prosecutions for any violation of any ordinance. The rules of practice and mode of proceeding in said court shall be the same as are prescribed by law for justices' courts, and appeals may be taken from all judgments of said police courts, in the time and manner and where the amount in controversy authorizes appeals in cases from justices' courts."

§ 5. Whereas, there are vacancies in the board of trustees of many towns of the sixth class; therefore, an emergency is hereby declared to exist, and this act shall take effect from its approval by the Governor.

Approved March 19, 1894.

CHAPTER 97.

AN ACT to authorize counties of this State to remove stagnant water and to reclaim swamp lands for the benefit of health, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the several counties in this Commonwealth be, and they are hereby, authorized to remove any ponds, pools or swamp marshes, or reclaim swamp land that may cause sickness in any of said counties, by ditching, leveeing or cleaning out logs and brush that may cause any creek therein to scatter or form pools of stagnant water therein, to be paid for out of the county levy, or by taxation of the taxable property in said county subject to taxation for State purposes.

§ 2. Should the probable cost of such improvement be more than the income and revenues of such county for the year in which the same is to be constructed, the county court shall order an election to be held in such county to ascertain the will of the qualified voters thereof, to be held in all respects as now provided by law for holding such elections. The proposition to be submitted to the people of such county shall state the

amount and object for which the same is to be expended: *Provided*, The same shall not exceed an amount equal to two per centum of the value of the taxable property for State purposes, to be ascertained by the assessment next before the last assessment for State purposes: *And provided further*, The debt so voted for shall be so divided as not to require a tax rate of more than fifty cents on the hundred dollars' worth of property therein subject to taxation for State purposes. If, upon comparing the polls, it be ascertained that two-thirds of those voting at such election voted for the proposition, that fact shall be noted of record in the order-book of the county court of such county. Thereupon the county judge shall have semi-annual coupon bonds of the county prepared, said bonds to be made due and payable not later than thirty years after date; however, to be made payable at the option of the county at any time after two years after date. Said bonds shall be signed by the county judge and countersigned by the county court clerk; the coupons may be signed by the county court clerk only. Said bonds, when so signed, shall be turned over to the fiscal court of the county.

§ 3. The fiscal court of such county shall have power to contract with an individual, company or corporation to do and perform all work and to furnish all needed material in the execution and completion of any such improvement so voted for in any county desiring the same, and may contract to pay for the same in said bonds, or may sell said bonds and pay for said improvement out of the proceeds thereof; but in the event said bonds be sold to get the money to pay for said improvement, a commissioner or commissioners shall be appointed by the county court, who shall be required to give bond or bonds, with good and sufficient security, to make sale thereof and receive and pay out the money; and said fiscal court shall make a levy of taxes on the taxable property of such county sufficient to pay the interest on said

bonds, and pay off such part thereof each year as will pay off and discharge all of said bonds within the time they may be made due and payable.

§ 4. Should such pond, pool, swamp, marsh or swamp land be situate in a small part of a county, and the legal voters thereof desire to remove the same, or to ditch and levee any swamp land to dry out the same to promote the health of such part of such county, and the cost of such improvement amounts to more than the revenue and income of such county for that year, the county court may lay off such part of such county into a taxing district for the purpose of taxing the legal voters and inhabitants thereof, subject to taxation for State purposes, to construct the same, and submit the proposition to said taxing district in the same way herein provided for submitting such proposition to the whole county; and should two-thirds of the legal voters voting at said election vote for the proposition, that fact shall be entered on the order-book of the county, and semi-annual coupon bonds of the county (to be paid by taxation of the inhabitants living in said taxing district and the property thereof subject to taxation for State purposes) shall be prepared, delivered and managed in the way provided for in section three of this act.

§ 5. All acts or parts of acts in conflict herewith are hereby repealed.

§ 6. There being sections of this Commonwealth now overflowed and greatly damaged by stagnant water, and the public health being endangered thereby, an emergency is declared to exist for the speedy enactment of this act, the same shall become a law upon its approval by the Governor.

Approved March 19, 1894.

CHAPTER 98.

AN ACT to amend an act, entitled "An act concerning juries, and entitled 'Juries,'" approved May twenty-second, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act concerning juries, and entitled 'Juries,'" approved May twenty-second, one thousand eight hundred and ninety-three, being chapter two hundred and ten of the Acts of the General Assembly of one thousand eight hundred and ninety-one-ninety-two-ninety-three, be, and it is hereby, amended as follows, namely: That the following portion of section one of said act, to wit: "In counties having a population of ten thousand or less, not less than two nor more than three hundred; in counties having a population of more than ten thousand not exceeding twenty thousand, five hundred; in counties having a population exceeding twenty thousand and not exceeding fifty thousand, seven hundred and fifty," be, and it is stricken out and repealed, and in lieu thereof the following words are substituted, namely: "In counties having a population of ten thousand or less, not less than one hundred and fifty nor more than two hundred; in counties having a population of more than ten thousand and not exceeding twenty thousand, not less than two hundred and fifty nor more than three hundred and fifty; in counties having a population exceeding twenty thousand and not exceeding fifty thousand, not less than five hundred nor more than six hundred," so that said section, when amended as aforesaid, shall read and be as follows, namely:

"§ 1. The circuit judge of each county shall, at the first regular term of circuit court therein after this act takes effect, and annually thereafter, appoint three intelligent and discreet housekeepers of the county

Session Acts
1891-2-3, pages
948-951.

over twenty-one years of age, resident in different portions of the county, and having no action in court requiring the intervention of a jury, as jury commissioners for one year, who shall be sworn in open court to faithfully discharge their duty. They shall hold their meetings in some room to be designated by the judge ; and while engaged in making the lists of juries and selecting the names, writing and depositing or drawing them from the drum or wheel-case, no person shall be permitted in said room with them. They shall take the last returned assessor's book for the county, and from it shall carefully select, from the intelligent, sober, discreet and impartial citizens, resident house-keepers in different portions of the county, over twenty-one years of age, the following number of names of such persons, to wit: In counties having a population of ten thousand or less, not less than one-hundred and fifty nor more than two hundred ; in counties having a population of more than ten thousand, and not exceeding twenty thousand, not less than two hundred and fifty nor more than three-hundred and fifty ; in counties having a population exceeding twenty thousand, and not exceeding fifty thousand, not less than five hundred nor more than six hundred ; in counties having a population exceeding fifty thousand and not exceeding one hundred thousand, one thousand, and in counties having a population exceeding one hundred thousand, and its circuit court divided into branches, two thousand for each division of the court requiring the services of a jury. Each name so selected they shall write, in plain handwriting, on a small slip of paper, each slip being as near the same size and appearance as practicable ; and each slip, with the name written thereon, shall be by them inclosed in a small case, made of paper or other material, and deposited, unsealed, in the revolving drum or wheel-case hereinafter provided for ; but, upon depositing any of said slips in said drum or wheel-case,

they shall carefully examine its contents, and remove therefrom and destroy any slips found therein. When said slips have been deposited in said drum or wheel-case, it shall be locked and revolved, or so shaken as to thoroughly mix said slips; then it shall be unlocked, and they shall draw therefrom a sufficient number of names to procure twenty persons, qualified as hereinafter provided, to act as grand jurors; and if, in doing this, the name of any person not qualified to act as grand juror is drawn, the same shall be returned to the drum or wheel-case. Said names shall be drawn one by one, and only the names of those qualified shall be recorded on paper until the twenty are secured; and said list shall be certified, signed and inclosed by them in an envelope, made of good paper, and it shall be sealed, and their names written across the seal thereof, and directed to the judge of the circuit court, adding the words 'criminal division,' when said circuit court is divided into branches, and indorse 'A list of the grand jury for the —— circuit court, to be held in the month of ——, in the year ——,' adding the words 'criminal division' after the words circuit court when there are branches of the circuit court, from which list the next grand jury for said county shall be empaneled as hereinafter directed. After completing the list of grand jurors, they shall lock said drum or wheel-case and revolve or shake it so as to thoroughly mix the slips remaining therein, and then unlock the same and draw therefrom, one by one, the names of thirty persons, and record the same upon paper as drawn, which, in like manner, shall be certified, signed and inclosed by them in an envelope made of good paper, and it shall be sealed, and their names written across the seal thereof, and directed to the judge of the circuit court, adding the name of the division of said court for which said list of jurors is selected, when such court is divided into branches, and indorsed: 'A list of the petit jury for the —— circuit court,

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to be held in the month of —, in the year —, adding the name of the division court for which said jury is selected, in cases when the circuit court is divided into branches, from which list the next petit jury for said county in said court shall be selected and empaneled as hereinafter directed. The slips of paper upon which are written the names of persons placed by said commissioners upon the lists of grand and petit jurors shall be destroyed by the commissioners as soon as the names are recorded on said lists. Circuit courts divided into branches shall have one commissioner for each division requiring the services of a jury therein, to be appointed and qualified by the judge thereof; and said commissioners so appointed in such courts shall act jointly in the selection of jurors and juries in the manner above provided for each division of said circuit court wherein the services of a jury are required; and each of such divisions of said court shall have a separate drum or wheel-case, which said commissioners shall use in making up the juries and selecting jurors in the manner above provided for said divisions respectively; but no grand jury list shall be made or grand jurors drawn by said commissioners, or any one else, for any other than the criminal division of a circuit court having branches. When the commissioners have completed the list of jurors, they shall lock the drum or wheel-case containing the remaining names, and deliver it and the key thereto, said sealed list or lists, and all slip-cases not used, to the judge of the circuit court for which said jurors are selected, who shall deliver them, except the key, to the circuit court clerk in open court, and at the time administer to him and his deputies the following oath, to wit: 'You do solemnly swear that you will not open this drum or wheel-case, except in open court, under the direction of the judge of this court, and that you will not open the envelopes containing the list of petit (or grand and petit juries, as the case may be), for the session of this court, to be held in the month

of —, in the year of —, until the time fixed by law; that you will not, directly or indirectly, converse with any one selected as a petit juror, concerning any suit for trial in this court at its next term, unless by leave of court.' Should the clerk subsequently, in vacation, appoint a deputy, he shall administer to him a like oath; and if the clerk or any other person, except as herein provided, shall open or unlock, or break into, or in any way willfully injure the wheel or drum, or lock thereof, or except as herein provided, shall willfully open or break the seal of the envelopes containing the jury list or lists, the person so offending shall be guilty of felony, and punished by confinement in the penitentiary for not less than one nor more than five years."

§ 2. Amend section seven by striking out same, and inserting in lieu the following, to be known as section seven, namely:

"§ 7. The judge may, at any time during the term, when it is necessary, after the regular panel is for any reason exhausted, draw and select from the drum or wheel other persons to act as grand or petit jurors, or he may, in his discretion, direct that such jurors be supplied from by-standers; and the court may, after the regular grand jury has been discharged during any term of court, empanel a grand jury composed of by-standers, and may, in his discretion, fill vacancies in the grand jnry from by-standers or by drawing from the drum or wheel. And the court, after the petit juries for the term have been selected and empaneled, may, in any action, proceeding or prosecution after said panel has been exhausted, direct the sheriff to supply from by-standers the place of one or more who may be hereafter excused by the court for good cause, or removed by the challenge of either party, or the judge may supply such jurors by drawing names from the drum or wheel as herein provided; and when the judge draws such names, he shall make a list thereof and deliver the list to the sheriff, who shall forthwith

Session Acts
1891-2-3, page
955.

summon them: *Provided*, That should the court discharge during the term the whole of any panel, then their places shall be supplied by the judge drawing from the drum or wheel."

§ 3. That section eighteen of said act be, and it is hereby, amended by striking out the words "to the one-third of the jury summoned," and inserting in lieu thereof the words "to three jurors," so as to make it read and be as follows, namely:

Session Acts
1891-2-3, page
958.

"§ 18. Each party litigant in civil actions shall have the right of peremptory challenge to three jurors, and the right to challenge as now allowed by law."

§ 4. That section twenty-seven of said act be amended by striking out the word "twenty," wherever it occurs therein, and inserting in lieu thereof the word "eighteen," and by striking out the word "four," wherever it occurs therein, and inserting in lieu thereof the word "three," so that said section shall read and be as follows, namely:

Session Acts
1891-2-3, page
960.

"§ 27. In all civil cases of jury trial the clerk shall draw from the box the names of eighteen of the jury, and write them, as drawn, on two slips of paper, and deliver one to each party, from which plaintiff and defendant may each strike three and return the list to the clerk, who shall call the first twelve names not erased and swear them as a jury to try the case. But before either party shall be required to strike, those on the list may be challenged for cause, and others drawn and placed on the list in the place of as many as may be set aside for cause. In all cases where the jury shall be completed, the names of persons not on the jury shall be returned to the box, from which another jury may be drawn; and whenever, from any cause, it may be necessary to make up a jury, if there be not enough of the standing jury remaining or in attendance, the court shall order for the occasion a sufficient number to be summoned, as directed in this chapter, to make up a panel as aforesaid. If a standing juror, for any cause, shall be dis-

charged or excused from the jury, his place shall be supplied as directed in this chapter."

§ 5. Amend section thirteen of said act, entitled "An act concerning juries and entitled 'Juries,'" approved May twenty-second, one thousand eight hundred and ninety-three, by adding, after the word "except" and before the word "trustees," the words "notaries public and," and after the word "schools" add the word "no," so that said section, when amended, will read :

"§ 13. No person shall be a competent jurymen for the trial of criminal, penal or civil cases in any court ^{Session Acts 1891-2-3, page 958.} unless he be a citizen, at least twenty-one years of age, a housekeeper, sober, temperate, discreet and of good demeanor. No civil officer except notaries public and trustees of schools; no transient person, physician, surgeon, practicing attorney or minister of any religious society, cashier or teller of a bank, or those who may be supplying their places for the time, or attendant at an asylum, or retail druggist, pharmacist, undertaker, depot agent of a railroad, or telegraph operator in employment, shall be compelled to serve on a petit jury; but the fact that a person not competent served on a jury shall not be cause for setting the verdict aside, nor shall exceptions be taken to any juror for such cause after the jury has been sworn."

§ 6. All acts or parts of acts inconsistent herewith are hereby repealed.

§ 7. And whereas, the courts in many parts of this State are now sitting, and find it difficult to conduct jury trials under the law as it now is, an emergency is hereby declared to exist, and this act shall go into effect from and after its passage.

Approved March 19, 1894.

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CHAPTER 99.

AN ACT to provide for the creation and regulation of real estate title insurance companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any number of persons, not less than thirteen, may associate to form a corporation for the purpose of transacting the business hereinafter authorized; and when organized and authorized as hereinafter provided to transact such business, shall be, except as herein otherwise provided, subject to the provisions of, and entitled to the benefits of, the laws of this Commonwealth relating to the conduct of corporations in general, but not the laws relating specifically to insurance companies, except as hereinafter provided.

§ 2. Such persons shall execute articles of incorporation, which shall specify the proposed name of the corporation, which must not so closely resemble the name of an existing corporation as to be likely to mislead the public, the nature of its business, the place in this State where its principal office or place of business is to be located, the amount of its capital stock, the number of directors, and the time at which they are to be elected, the time when it is to commence and the period for which it is to continue, and such other facts as may be necessary to make manifest and explain the objects and purposes of the corporation.

§ 3. The articles of incorporation shall be signed and acknowledged by the parties thereto before any officer authorized to take acknowledgments to deeds, and recorded in the county clerk's office of the county in which its principal office or place of business is to be located; and a certified copy thereof shall be filed in the office of the Secretary of State and in the office of the Commissioner of Insurance, and such articles,

or a certified copy thereof, may be used as evidence for or against such corporation.

§ 4. When the articles are filed in the offices mentioned, and the corporation is authorized by the Commissioner of the Insurance Department by a certificate issued under his seal of office, it may commence business, and shall thereupon become a body-corporate, and be known by and carry on its business in its corporate name; and as such shall have power to adopt and use a corporate seal; to make contracts; sue and be sued; to examine titles to real estate and chattels real; to procure and furnish information in relation thereto; to make and guarantee the correctness of searches for all instruments, liens or charges affecting the same, and to guarantee or insure bonds and mortgages, and the owners of real estate and chattels real, and others interested therein, against loss by reason of defects of title thereto and incumbrances thereon; to acquire and hold, subject to the provisions hereinafter contained, such real and personal property as may be necessary or convenient for the conduct of its business, and such real estate as may be taken in satisfaction of debts due the corporation, or by subrogation under its guaranties or insurances, and to sell, lease, pledge, mortgage and convey the same: *Provided, however,* That all real estate acquired in satisfaction of any liability or indebtedness, or by subrogation, unless the same be necessary for the uses and business of the corporation, shall be sold and disposed of within five years after becoming the property of the corporation; to appoint, elect, remove officers, define their duties, and, when deemed advisable, require from any of them a bond or other satisfactory security for the faithful discharge of their duties; to prescribe, by its board of directors, by-laws for its government, not inconsistent with law, and to exercise, subject to law, such powers as may be necessary or convenient to carry on its business.

§ 5. Before the Commissioner shall issue the certifi-

cate mentioned in the preceding section, he shall submit the articles to the Attorney-General for examination, and shall examine, or cause to be examined, the affairs of the corporation, for the purpose of ascertaining whether or not it has complied with all the requirements of the law, and has invested in the proper funds, or manner, the requisite amount of its capital stock, and has set apart and invested the guaranty fund as hereinafter required ; and, for the purpose of making this examination the Commissioner, or person making the examination, shall require the incorporators, directors or officers to certify under oath that the money or securities exhibited to him are the *bona fide* property of the corporation ; and a written report of such examination shall be filed in the department.

§ 6. No such corporation shall be formed with a smaller capital than one hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each ; and no such corporation shall be authorized to begin business until the minimum amount of the capital stock named in the articles of incorporation has been paid in and invested, and the guaranty fund set apart and invested as hereinafter required.

§ 7. Every such corporation shall conduct its business in this State in its own proper and corporate name ; and the policies and contracts of insurance issued by it shall be headed or entitled only by its proper or corporate name ; and any publication purporting to show its capital shall exhibit only the amount of such capital as has been actually paid. Such publications shall be held to include all policies, renewals, signs, circulars, cards or other means by which public announcements are made.

§ 8. When the articles of incorporation are filed in the proper offices the Commissioner of Insurance may designate the incorporators, or a majority of them, to

open books for the subscription of stock until the requisite amount has been subscribed.

§ 9. The capital stock, not exceeding twenty per centum of the minimum amount thereof, of any such corporation organized under this law, or now doing business in this State, may be invested in the acquisition of such books, maps, abstracts or copies of deeds and other instruments as shall be necessary or convenient for the transaction of its business; and such portion of its accumulations as shall be necessary or convenient, may be used in the maintenance, enlargement and improvement of such plant. The remainder of such stock and accumulations shall be invested, except as hereinafter provided, in bonds and mortgages, lien notes or deeds of trust, on unencumbered real estate within the State of Kentucky, worth at least fifty per centum more than the sum loaned thereon; but in estimating the value of such real estate, the value of the buildings thereon shall be excluded, unless such buildings be insured against fire, and the policy transferred to the corporation, and such insurance shall be continued in force as long as the loan continues; also in bonds of this State or of any other State of the United States, or of the United States, or of any county or incorporated city or town of this State, authorized by law to be issued; also in the stocks of incorporated banks and trust companies of this State, and of national banks of this State, or of adjacent States; also in the first mortgage bonds of railroads of this and other States, bonds or stocks of any bridge, water, street railroad, gas or electric corporations of this State, which have for two years previous to the time of making the investment, paid interest or dividends of not less than four per centum per annum, and shall have a market value not less than twenty per centum below par. Said capital and surplus may be loaned on the security of any such bonds, stocks or lien-notes, bonds and mortgages, and the investments and loans herein.

authorized may be changed, and the proceeds reinvested as occasion may, from time to time, require, and the evidences of such loans sold and the payment thereof indorsed or guaranteed. No such corporation shall own more than one-sixth of the capital of any bank or corporation, nor invest in nor loan on the stocks and bonds, both included, of any one railroad, more than one-tenth of its capital and accumulated funds, nor in the aggregate shall the investment in and loan on all railroad property exceed one-fifth of its capital and accumulated funds ; and no such corporation chartered by this State, and lawfully doing the business herein authorized, shall be compelled to change any investment heretofore legally made.

§ 10. Every such corporation shall set apart at least two-fifths, but in no case less than one hundred thousand dollars, of the amount of its paid-up capital stock as a guaranty fund, and the said fund shall be invested only in bonds of the United States of America, and bonds and mortgages, lien-notes or deeds of trust on unincumbered real estate within the State of Kentucky worth at least fifty per centum more than the sum loaned thereon ; but in estimating the value of such real estate the value of the buildings thereon shall be excluded, unless such buildings be insured against fire, and the policy transferred to the corporation, and such insurance shall be continued in force as long as the loan continues. No such corporation shall issue any insurance until such sum has been set apart and invested. Such guaranty fund shall be kept and applied only for the security and payment of losses and expenses which may be incurred by reason of the guaranties or insurance made as aforesaid, and shall not be subject to other liabilities of the corporation to the extent of, and so long as, any such insurance is outstanding. In case an increase in the amount of its capital stock shall be made by any such corporation, two-fifths part of such increase shall be set apart and added to the

guaranty fund thereof and kept and invested as aforesaid. Whenever, on account of losses or otherwise, the amount of the guaranty fund shall fall below such sum as is required to be set apart and invested by this act, no further insurance shall be issued until the deficiency below the amount so required has been supplied.

§ 11. It shall be the duty of the president or vice-president and secretary of any corporation organized under this law or any law of this State, annually, on the tenth day of January, or within one month thereafter, to prepare, under oath, and deposit in the office of the Insurance Commissioner, a statement of the condition of such corporation on the thirty-first day of December next preceding, exhibiting the following facts and items in the following form, namely:

I. The name of the corporation, where located, when incorporated, and for what period.

II. The amount of capital stock, and the proportion actually paid in.

III. The property or assets of the corporation, specifying—

1. The value, as nearly as may be, of the real estate held by the corporation.
2. Amount of cash on hand and deposited in banks to the credit of the corporation.
3. Amount of loans secured by lien-notes, bonds or mortgages constituting a first lien on real estate on which there shall be less than one year's interest due or owing.
4. Amount of loans on which interest shall not have been paid within one year previous to such statement.
5. Amount due the corporation on which judgments have been obtained.
6. Amount of other securities owned.
7. Amount of other securities held as collateral for loans.

8. Amount of interest actually due and unpaid.

9. Amount of its guaranty fund.

IV. The liabilities of such corporation, specifying—

1. Amount of losses due and yet unpaid.

2. Amount of claims for losses disputed or resisted by the corporation.

3. Amount of losses incurred during the year, including those claimed and not yet due, and those on which no action has been taken by the corporation.

4. Amount of dividends declared and due and remaining unpaid.

5. Amount of all other indebtedness of the corporation.

V. The income of the corporation during the preceding year, specifying—

1. Amount of premiums received for insurance.

2. Amount of interest money received.

3. Amount of income received from all other sources

VI. The expenditures during the preceding year, specifying—

1. Amount of losses paid during the year, stating how much of the same accrued prior, and how much subsequent, to the date of the preceding statement.

2. Amount of dividends paid during the year.

3. Amount paid in taxes.

4. The amount of all other payments.

§ 12. The Insurance Commissioner shall have the same power and authority to visit, examine and require information from such corporations as he has in the case of domestic insurance companies, and the duties and liabilities of such corporations, their officers and agents, in reference to such examination and information, shall be the same as are those of do-

mestic insurance companies. The Commissioner may, from time to time, make such changes in the form of the annual statement as shall seem to him best adapted to elicit from such corporations a true exhibit of their condition, situation and affairs in respect to the several points hereinbefore enumerated.

§ 13. It shall not be lawful for the directors, trustees or managers of any such corporation to make any dividend except from the surplus profits arising from its business ; and in estimating such profits there shall be reserved therefrom any interest due the corporation on bonds and mortgages or other evidences of debt on which no part of the principal or interest has been paid for the last year, and for which suit has not been commenced for collection, or on which, after judgment obtained thereon, no part of the principal or interest has been paid for one year.

§ 14. If any such corporation is under liability for losses equal to its net assets, and the president and directors knowing it, make or assent to further insurance, they shall be personally liable for any losses under such insurance.

§ 15. Such corporations, their officers or agents, shall be subject to all the provisions and penalties of the laws of this Commonwealth relating to insurance companies other than life insurance companies in respect of the increase or decrease, impairment and restitution, of their capital stock or assets, the closing of their concerns, and the distribution of their assets among their stockholders ; and when, in his opinion, the officers or agents of any such insurance company have violated any law of this State relative to such company, the Commissioner shall forthwith report the facts, with the testimony reduced in writing, and signed by the witness, upon which his opinion is founded, to the Attorney-General, whose duty it shall be to at once, if he deems proper, prosecute such company, officer or agent therefor.

§ 16. Any corporation now lawfully transacting the

business provided for in this act may, upon the production to the Insurance Commissioner of satisfactory evidence of its compliance with the provisions of this act in relation to capital stock, guaranty fund and investments, be authorized by him to continue in business as though incorporated under this act.

§ 17. All corporations, their officers, managers and agents, now engaged in the business provided for in this act, shall make all the returns and comply with all the requirements of companies, their officers, managers and agents that may organize under this law; and said companies and persons are hereby made subject to all the penalties, and are entitled to all the benefits of this law, the same as if organized thereunder.

§ 18. No corporation organized under this act, or heretofore incorporated under any law of this Commonwealth, shall engage in any other form of insurance than that herein provided for.

§ 19. All other laws and parts of laws relating to the formation and regulation of corporations for the transaction of the business herein authorized are hereby repealed.

Approved March 19, 1894.

CHAPTER 100.

AN ACT for the government of cities of the second class in the Commonwealth of Kentucky.

ARTICLE I.

Municipalities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The cities of Covington, Newport and Lexington are hereby declared to be cities of the second class, and the inhabitants thereof, and of such other

Cities of the second class.

cities as may hereafter be declared cities of the second class, respectively, are created and continued bodies-corporate and politic, within their respective limits, with perpetual succession, by the name and style which each now respectively bears, with power to govern themselves in all fiscal, prudential and municipal concerns by such ordinances and resolutions as they may deem proper, not in conflict with this act or the Constitution of the State of Kentucky or the Constitution of the United States; to acquire property for municipal purposes, by purchase or otherwise, within their corporate limits or elsewhere; to hold the same and all property and effects now belonging to the said cities, held either in their own name or in the name of others, for the use of each of said cities, for the purpose and interest for which the same were granted or dedicated; to use, manage, improve, sell, convey, rent or lease the same; and to have like power over property hereafter acquired, and as such, by their respective names, shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being pleaded, answering and being answered, in all courts and places, and in all matters whatsoever; and shall have and use, respectively, a corporate seal, and make, change, alter and renew the same at pleasure.

§ 2. The corporate boundaries of each of said cities ^{Boundaries.} shall continue and remain as they are now established, until altered by law; and every such city, bounded in part by the Ohio river, shall have concurrent jurisdiction with the State of Kentucky over the waters of that river opposite thereto; and if the boundary line between any two or more of said cities, or of any such city and a county or counties not embraced in said city, shall be the Licking river, or other stream within the State, each city shall have concurrent jurisdiction with the other, and with such county or counties, over the waters of such river or stream opposite thereto.

§ 3. Each of said cities shall be, and is vested with

Rights, titles, &c., vested. all the rights, titles, interests and privileges which were vested in, possessed and held by, each of them respectively at the time of the passage of this act, and is hereby charged with all lawful liabilities and obligations now existing; but said rights shall be held for the same purposes and subject to the same trusts as heretofore, and the power and authority they now have to provide for the liquidation of such liabilities and obligations shall continue in full force.

ARTICLE II.

Distribution of Powers.

Distribution of Powers. § 1. The government of said cities shall be divided into a legislative, an executive and a judicial department. No officer of one of these departments shall exercise any power properly belonging to either of the others, except in the instance hereinafter expressly directed or permitted.

ARTICLE III.

Legislative Department.

Legislative department. § 1. The legislative power shall be vested in a board of aldermen and a board of councilmen, which, together, shall be styled "The General Council of the City."

Board of aldermen. § 2. The board of aldermen shall be composed of four members, to be selected from and elected by the voters at large of the city. The general council may, by ordinance, provide that the number of aldermen shall be increased to any number not exceeding eight. The board of councilmen shall be composed of two members from each ward in the city selected from respective wards, but elected by voters at large of the city. Members of the legislative department of the government of the city shall be elected for two years, and until their successors are qualified. No person shall be eligible as a member of said department who,

Board of councilmen.

at the time of election, shall not have resided in the city for two years next preceding his election, not be a male citizen of this State, not be either a housekeeper or owner of real estate in the city, or who shall hold another civil office, be the agent, employe or attorney of any railroad company or street railway company, be directly or indirectly interested in any contract with the city or in any application therefor, be in arrears to the city for money or property collected or held without a settlement or quietus therefor, have been convicted of malfeasance in office, bribery or other corrupt practice or crime, or hold any office or employment in any company or corporation which has or is an applicant for any contract with the city, the terms, rates or prices of which are subject to modification or enforcement by the general council; mere stockholders in such companies or corporations are not, however, herein included, but they shall not vote on or interfere, directly or indirectly, with any matter or question affecting such company or corporation in any manner whatever other than in common with the general public; and in case of aldermen attained the age of thirty years, and in that of councilmen attained the age of twenty-four years, and have been, for one year, *bona fide* residents and voters of the ward for which they may be chosen. The absence or cessation of any of the foregoing qualifications, or the occurring of any of the foregoing disqualifications, after election or during the term of office, shall work a forfeiture of the office, and the general council shall so declare, and the vacancy shall be filled as hereinafter prescribed. Each member of the general council shall receive three dollars for any stated or called meeting of said boards; but each absentee shall forfeit double his pay, unless he be absent from the city, or too sick to attend. Each board shall elect from its own members a president thereof, who shall hold office for one year. In his absence a president *pro tempore* shall be chosen from among its own members by the board. Each

board shall adopt rules for its proceedings, determine the election and qualification of its members, except as hereinafter provided, punish its members for contempt or disorderly conduct, and, two-thirds of the members concurring, may expel a member, but not twice for the same offense. A majority of the members-elect shall form a quorum of either board, but a smaller number may adjourn from day to day, and the attendance of members may be enforced by rules or ordinances with appropriate fines, not exceeding ten dollars.

Rules for joint session. § 3. The general council shall prescribe the rules for its government in joint session ; shall be presided over by the president of the board of aldermen, and in his absence by the president of the board of councilmen, and in the absence of both shall elect a president *pro tempore* ; may compel the attendance of members thereof, and punish them when in joint session for contempt and disorderly conduct. A majority of members-elect of both boards shall constitute a quorum for the transaction of business in joint session.

Journal to be kept. § 4. Each board shall keep a correct journal of its proceedings, and, immediately after adjournment thereof, a fair abstract of its proceedings shall be published once in one or more daily newspapers, in different languages, if necessary. All ordinances shall be published in like manner before they are in force. The two branches of the general council shall not meet in the same room at the same time, except in joint session. The place or places of meeting shall be fixed by ordinance, and shall not be changed, except by ordinance passed by two-thirds of the members-elect of each board. If from any cause it shall be impossible or impracticable to meet at the designated place, the mayor shall, by proclamation, fix the place pending such difficulty, or until the general council shall act in the premises.

Meetings. § 5. Both of said boards shall meet at least once in each month, and shall not adjourn for a longer time,

but may adjourn from day to day, and sit as long as business requires. When both boards are in called session, one shall not adjourn without the concurrence of the other for a longer time than twenty-four hours. If they shall fail to agree on adjournment, the mayor may adjourn them to a day not beyond the next regular time of meeting.

§ 6. Members of the general council shall be exempt from serving on juries, and from military duty during their terms; and any thing said in debate shall be entitled to the same immunities and protection allowed to the members of the General Assembly. Exempt from jury service.

§ 7. That it shall be the duty of the general council, that shall be first elected under this act, to lay off the city into six wards, for the purpose herein named, as nearly equal as possible as to the number of inhabitants, and fix permanent boundaries; and it shall be the duty of the general council, from time to time, to alter the boundaries of the wards so as to equalize the number of the inhabitants in each as near as may be; but such alterations shall not be made except on a general census of all the inhabitants being previously taken.

§ 8. Vacancies in offices elective by the general council, as now provided, shall be filled by election in joint session for the remainder of the term vacated. Vacancies in offices elective by popular vote shall be filled by appointment by the mayor for the remainder of the term, except that a vacancy in the office of mayor shall be filled by election by the general council: *Provided*, That the unexpired term will end at the next succeeding annual election at which either city, town, county, district or State officers are to be elected. If the unexpired term will not end at the next succeeding annual election at which either city, town, county, district or State officers are to be elected, and if three months intervene before said succeeding annual election, the office shall be filled as aforesaid until said election, Vacancies—how filled.

and then said vacancy shall be filled by election for the remainder of the term. If three months do not intervene between the happening of said vacancy and the next succeeding election at which city, town, county, district or State officers are to be elected, the office shall be filled by appointment by the mayor until the second succeeding annual election at which city, town, county, district or State officers are to be elected ; and then if any part of the term remains unexpired, the office shall be filled by election until the regular time for the election of officers to fill said offices. All officers and agents of the city, in any of its departments, not required to be otherwise elected or appointed, shall be elected by the general council in joint session upon joint *viva voce* vote, subject to removal at any time by said general council.

Extension of
limits.

§ 9. The city may, at any time or times, extend its limits by ordinance, specifying with accuracy the new line or lines to which it is proposed to extend such limits. All courts in this State shall take judicial notice of the limits of said city when thus extended, and of all the steps in the proceedings leading thereto: *Provided*, That should said city, by such extension of its territorial limits, include any portion of any incorporated city, town or village, such extension shall be made to include the whole territory of such incorporated city, town or village. and upon such extension being made, the corporate existence of such incorporated city, town or village so included in such extension, shall *ipso facto* cease, and all property and rights of every kind and nature belonging to and vested in such incorporated city, town or village, shall, by operation of law, at once pass to and vest in the city, and it shall be the duty of all officers and employes of such incorporated city, town or village having custody or control thereof, to surrender and deliver the same to the city, and the city shall also, by operation of law, assume and become liable to pay all debts and liabilities of such incorporated city,

town or village: *Provided further*, That before the city shall extend its limits so as to include any incorporated city, town or village, four-sevenths of the qualified voters of the incorporated city, town or village voting, so desired to be included within the limits of the city, shall vote in favor of such proposition, at the next general election to be held. The submission of the question shall be determined in the following manner, to wit: Whenever the city shall desire to include within its limits any incorporated city, town or village, the mayor of the city shall inform the mayor or other chief officer of the incorporated city, town or village proposed to be so taken in, of the intention to include said city, town or village proposed to be so taken in, of the intention to include said city, town or village within the limits; and if four sevenths of the qualified voters voting at such election shall vote in favor of the proposed extension, the mayor or other chief officer of the incorporated city, town or village shall certify the result to the mayor of the city, and said city may proceed to so extend its limits as provided in this section.

§ 10. Whenever, by extension of its territorial limits as aforesaid, the new territory is annexed to the city, New wards in annexed territory. the general council shall, by ordinance, organize the same into a new ward or wards, or attach the same to some existing ward or wards, long enough before the next ensuing general city election to enable electors in such annexed territory to register, and all other proper steps to be taken according to law, so that the electors in such annexed territory may have full opportunity to register and vote at such election. Actual residents of any territory at the time of the annexation thereof as aforesaid shall, if otherwise qualified, be qualified electors of the city, and be eligible to any office therein at the next general election following such annexation.

§ 11. Whenever it shall be deemed necessary under

Extension—how made. the provisions of this act to extend the boundaries of the city, such boundaries shall be extended and designated by clearly defined metes and bounds, and the same shall not be extended by general, horizontal or parallel lines, nor in all directions at the same time, but shall be so extended, as public necessity demands, in such manner as to include, so far as may be practicable, only such territory as may be thickly built upon, inhabited and needing municipal government, to the exclusion of lands occupied and used for agricultural purposes: *Provided further*, That whenever the territory proposed to be annexed shall not be a city, town or incorporated village, the question of annexation shall be submitted to the qualified voters thereof, at an election to be held for that purpose (public notice whereof having been given by the mayor of said second class city not less than thirty days before said election), of the time and places of holding such election, and the purpose for which it is so held; said election to be governed by the general laws in respect to the holding of general elections. The result having been canvassed according to law, and four-sevenths of the qualified voters of said territory voting at said election having voted in favor of annexation, the mayor of said city of the second class shall make proclamation thereof, and said territory shall then become a part of said city.

§ 12. When the corporate limits of the city shall be so extended, and whenever and as often as the population of the city, or of any ward or wards thereof, has been or may be so increased or diminished as to render, in the opinion of the general council, a division or redistricting of the corporation into wards, or a change in the boundary of any ward or wards, necessary, the same shall be done by ordinance.

§ 13. Upon any ordinance, either for extending the limits of the city, or for making any change or changes in the wards of the city, being introduced into either board of the general council, the latter

shall, before the passage thereof, by resolution, require the city clerk to publish a copy of the ordinance in the official newspaper of the city, for at least three weeks within the four weeks next after the passage of such resolution. After such publication, proof thereof shall be made and filed with the city clerk, and if the board into which said ordinance may have been introduced shall be satisfied that such publication has been made, it shall, by a vote, so find, and the city clerk shall make a record of such finding in the journal of the current proceedings of that board, which record shall be conclusive evidence of the truth of the facts so found ; should said ordinance be amended in either board after such publication, then the ordinance, as amended, shall be again published for the same time and proceeded with in all respects as in case of the original ordinance. If such ordinance is passed by the general council at the first or second regular meeting after such last publication and finding, and not later, and duly approved by the mayor, the same shall be in force until repealed or altered.

§ 14. In case of redistricting or division of the city into wards, or change of boundary of any ward or wards, every qualified elector residing in any ward at any general city election next thereafter, duly registered, shall be a qualified voter of such ward ; and nothing in this charter contained shall be so construed as to prevent any elector from voting or being eligible to any office, by reason merely of such redistricting or division, or creation of any new ward or wards, or change in the boundary of any ward or wards.

§ 15. There shall not be a redistricting or division of the city into wards, or change of boundary of any ward or wards, within two months next preceding any general city election.

§ 16. All wards which may be established by ordinance, as aforesaid, shall be composed of adjacent and compact territory, and the several wards, at the time

Qualification of electors in new wards.

No division of wards within two months preceding election.

Wards to be composed of adjacent territory and numbered.

of redistricting, shall contain as nearly an equal number of inhabitants as may be practicable. The wards shall be numbered conveniently from one up to the highest number thus established.

ARTICLE IV.

General Powers.

§ 1. The general council shall have power by ordinance—

First. To establish and enforce quarantine laws and regulations to prevent the introduction and spread of contagious diseases in the city, and within two miles thereof, and to provide for the destruction of all diseased or deleterious articles of food or drink ; to establish and maintain public hospitals within or without the city, and to that end may condemn property therefor, or to contract with others for such purposes ; to regulate hospitals, infirmaries, et cetera, within the city, and to secure the general health of the inhabitants by any necessary measure ; to regulate or prohibit stone quarries and quarrying of stone, sand, gravel or loam ; to provide for the erection, management and regulation of slaughter-houses, and to regulate the slaughtering of animals ; to regulate and prevent the driving of stock through the city or any part thereof ; to prohibit, remove and regulate the erection or maintenance of soap factories, stock-yards, slaughter-houses, pig-pens, cow stables, dairies, coal oil and vitriol factories, and all other factories which the general council may, by ordinance, declare to be nuisances, within prescribed limits of the city, and within two miles thereof ; to regulate or prevent the carrying on of any business which may be dangerous or detrimental to the public health, or the manufacturing or vending of any articles deleterious to the health of the inhabitants ; to declare, prevent and abate nuisances on public or private property, and the causes thereof : and the mayor, whenever in his opin-

General powers. Quarantine and health.

ion a nuisance exists on public or private property, or whenever a nuisance has been so declared by ordinance, is authorized to abate and remove such nuisance and the cause thereof, in a summary manner, at the cost of the owner or occupant of the premises where the nuisance or the cause thereof may be, and for that purpose may enter upon and take possession of any premises or property where such nuisance may exist or be produced; to constitute a board of health, and elect or appoint necessary health officers.

Second. To license, tax and regulate undertakers, ^{Licence tax.} auctioneers, grocers, merchants, bakers, dealers in, venders and deliverers of breadstuffs, retailers, hotels, inns, innkeepers, coffee-houses, saloons or wholesalers of spirituous, vinous or malt liquors, boarding-houses, tenement-houses, office buildings, public buildings, public sales, public grounds, concerts, photographers, artists, agents, posters, runners, drummers, plumbers, public lecturers, public meetings and shows, real estate agents and brokers, financial agents and brokers, commission merchants, house agents, lightning rod agents, rental agents, claim agents, sewing machine agents and solicitors for nurseries, sewing machine companies, brewer's agents, advertising agents, loan and brokerage companies, merchandise brokers, produce brokers, railroad ticket brokers, amusement ticket brokers, lumber brokers, bill posters, junk dealers, second-hand dealers, coal dealers, ice dealers, ice cream dealers, milk dealers, grain elevators, cycloramas, panoramas, skating rinks, storage and transfer houses, nurserymen, pedestrian exhibitions, wrestling exhibitions, private detectives, private detective agencies, horse and cattle dealers, patent right dealers, inspectors and gaugers, stock-yard and wagon-yard proprietors, laundries, examiner of titles, conveyancers, mercantile agents, insurance companies, lawyers, physicians, insurance agents, brokers, bankers, banking and other corporations and institutions, telegraph, telephone and district messen-

ger companies or corporations or institutions, street railroad companies or corporations, livery, board, feed and sale stables, hansoms, cabs, hackney coaches, carriages, barouches, buggies, wagons, omnibuses, carts, drays, job wagons, and all other vehicles, used or let for hire, lenders of money on chattels or chattel mortgages, and regulate the width of the tires of all vehicles for heavy transportation ; to license, tax, regulate or suppress ordinaries, hawkers, hucksters, peddlers, auction houses and the keepers and occupants thereof, brokers, pawnbrokers, money changers, intelligence and employment offices and the keepers and occupants thereof, public masquerade balls, street exhibitions, dance houses, fortune tellers, clairvoyants, pistol galleries, itinerant doctors and doctresses, corn doctors, private and venereal hospitals, museums and menageries, magnifying glasses for use of which charge is made, billiard tables, pool tables, other tables and instruments used for public amusements, circuses, operatic, theatrical and other exhibitions, shows and amusement saloons, coffee-houses, beer-houses, tippling-houses, dram-shops, money-brokers, equestrian performances, horoscopic views, lung testers, muscle developers, pin alleys, ball alleys, shooting galleries, and to suppress bawdy and disorderly houses, houses of ill fame and assignation, prize-fights, coon-fighting, dog-fighting, cock-fighting, chicken-fighting, gaming and gambling houses, and to destroy instruments of gaming ; to provide for and enforce the registration of births, marriages and deaths ; to prohibit sale, distribution or giving away, directly or indirectly, of lottery tickets and notices, circulars and advertisements of lotteries and lottery drawings, and to suppress places where lottery tickets, notices, circulars and advertisements of lotteries and lottery drawings are kept, sold or distributed or given away ; to license, tax and regulate all occupations, professions and trades not heretofore enumerated, of whatsoever name or character ; to license, tax and

regulate hackmen, draymen, omnibus drivers, porters, and all others pursuing like occupations with or without vehicles, and to license, tax, restrain or prohibit runners for cars, stages, hotels and public houses.

Third. To provide for the levying, assessment and collection of taxes, as provided in this act, upon all property made taxable for State purposes within the limits of the city, and not exempted by general law from municipal taxation. Levy, assessment and collection of taxes.

Fourth. To provide the city with water: to make, regulate and establish public cisterns, hydrants and reservoirs, in or under the streets within the city, or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water, and to compel any water company, corporation or individual to change or relocate any water main or pipe. Water supply.

Fifth. To acquire, establish, erect and maintain bridges within the city, and from the city across any river, water-course, and so forth, bounding the city; and may, until said bridge shall have been paid for, charge toll for crossing same, and may do so jointly with any municipality on the opposite side of such river, water-course, and so forth; to establish, erect and maintain and regulate the use of culverts and sewers; to establish, alter, deepen and change water-courses, natural and artificial, to change the channel of the same, and to wall them up and cover the same. Bridges, culverts and sewers.

Sixth. To provide, by themselves or through others, for lighting the streets, public places and buildings, and furnishing light to the inhabitants, and to regulate the quality and quantity of the light and the method, time of, and appliances for furnishing of the same. To compel any and all light companies, or persons furnishing light, to change and relocate gas mains or pipes, or poles, electric wires and conduits for electric wires, to place those above the surface of the ground under it, to change the method of conveying the light, and generally to do things conducing Lights.

to the safety and comfort of the inhabitants in the premises.

Market-houses. *Seventh.* To provide for the erection and maintenance of market-houses, and all needful buildings for the use of the city ; to provide for the government and regulation of markets, market places and meat shops, and the amount of license tax to be paid therefor.

Inspection of meats, &c. *Eighth.* To restrain and punish engrossing, fore-stalling and regrating ; to regulate the inspection and vending of flesh, fish, meats, poultry, fruits, vegetables, butter, lard and other provisions, and the place and manner of selling and inspecting the same.

Public grounds. *Ninth.* To provide for inclosing, improving and regulating all grounds belonging to the city.

Spirituos, vinous and malt liquors. *Tenth.* To restrain, regulate and prohibit the selling or giving away of any spirituous, vinous or malt liquors, by any person within the city, other than those duly licensed ; to forbid and punish the selling or giving away of any spirituous, vinous or malt liquor to any woman, minor or habitual drunkard.

Regulate weights and measures. *Eleventh.* To establish and regulate the standard of weights and measures to be used in the city, and to provide for the inspection of all weights and measures, and to compel dealers in all kinds of coal to weigh the same on public scales, and to establish, license, tax and regulate public scales, and the charges for the use of the same ; to make provisions for the inspection and measurement of lumber and other building material, for the inspection of elevators, steam boilers, and all steam heating apparatus, and to license engineers and others using steam boilers or other steam apparatus in said city, and for the inspection of beef, pork, meal, oil, coal oil, naphtha, benzine and other burning fluids ; molasses, syrups, turpentine, vinegar, beer, ale, wines, whisky, rum, brandy and other spirituous, vinous or malt liquors in barrels, hogsheads or other vessels ; for the inspection and weighing or measuring hay, coal, charcoal, fire-wood, and all other kinds of fuel to be used in

the city; for the inspection of butter, cheese, milk, lard and all other provisions; for regulating the weight and quality of bread: *Provided*, That nothing herein shall be so construed as to authorize an inspection of any article enumerated in this subdivision which is to be shipped beyond the limits of the city, except at the request of the owner thereof; to inspect and regulate house drainage and sewer connections.

Twelfth. To restrain and prevent any riot, rout, Prevent riots, noise, disturbance or disorderly assemblage; the playing of ball or any other amusements or practice dangerous or annoying to persons or property, or tending to frighten horses or teams, in any street, house or place in the city, and to regulate or prohibit the running at large of cattle, cows, hogs, goats and all other animals within the limits of the city, and to authorize the impounding and sale of the same; to restrain and prohibit the ringing of bells, blowing of horns, bugles Ringing of bells, &c. or steam whistles, crying of goods, and all other noises, performances and practices tending to the collection of persons on the streets and sidewalks, by auctioneers and others, for the purpose of business, amusement or otherwise; to prevent and remove all obstructions and encroachments upon or over the sidewalks, curbstones, carriage ways, streets, avenues and alleys at the expense of the owners or occupants of the ground fronting on same.

Thirteenth. To take all needful steps, in or out of the State, to protect the rights of the city in any corporation in which the city may acquire an interest.

Fourteenth. To provide for the support, maintenance and confinement of idiots, insane person and inebriates, and to make suitable provision for the maintenance and support of poor persons.

Fifteenth. To provide for the enumeration of inhabitants of the city for any purpose whatever.

Sixteenth. To establish, erect and maintain a city prison and work-house.

of refuge, and all other municipal buildings; make all needful regulations, and appoint all proper persons and assistants therefor; to purchase, rent or lease, within the limits of the city or elsewhere, any real or personal property for the use of the city, and to control, manage, improve, sell, lease or otherwise dispose of the same, for such purposes and considerations as they may deem proper for the public welfare.

Prohibit horse-racing, fast driving, &c.

Seventeenth. To prevent, prohibit or suppress horse-racing, immoderate driving or riding within the streets, and to authorize any person to stop any person immoderately riding or driving as aforesaid; to prohibit and punish the abuse of animals, and to prevent the hitching of any animal on any particular street or streets; to prescribe the manner, and limit the time of standing animals and vehicles attached to animals in any street or streets, and to forbid large and heavy loaded vehicles from passing along particular street or streets.

Vagrants, &c.

Eighteenth. To restrain and punish vagrants, mendicants, street beggars, gamblers and prostitutes, and define who shall be considered and treated as vagrants.

Prohibit dogs from running at large.

Nineteenth. To license, tax, regulate or restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and impose penalties on the owners or keepers thereof.

Control railroad tracks, &c.

Twentieth. To direct and control the laying and construction of steam, electric, street or other railroad tracks, bridges, turnouts and switches, poles, wires, apparatus and appliances in the streets and alleys, and the location of depot grounds within the city; to require that bridges, turnouts and switches shall be so constructed and laid as to interfere as little as possible with ordinary travel and the use of the streets and alleys, and that sufficient space shall be kept on either side of said tracks for the safe and convenient passage of teams and persons; to require all railroad companies to construct and keep in repair suitable crossings at the intersections of streets and alleys, ditches,

sewers, culverts, and to light and guard the same ; to require said companies to erect gates at certain or all street crossings ; to direct the use and regulate the speed of locomotive engines, steam, electric, street or other kind of cars within the limits of the city ; to prohibit and restrain railroad companies from doing any storage and warehouse business or collecting money for storage, except in cases where the consignor or consignee of goods or wares fails to remove the same within a reasonable time from the depots of such companies, and to prohibit the making of running switches.

Twenty-first. To compel telephone, telegraph, gas and electric light companies, and all persons and corporations using, controlling or managing electric light wires for any purpose whatever, and telegraph and telephone wires, to put and keep their wires under ground, and to regulate the manner of doing the same, and the use of all such wires and connections therewith.

Twenty-second. To provide for the establishment and maintenance of a fire department, and to make all needful regulations for the prevention and extinguishing of fires.

Twenty-third. To impose, enforce and collect fines, forfeitures and penalties for the breach of any provision of this act or any ordinance ; to punish the violation of any provision of this act, or any ordinance of this city, by fines or imprisonment, or by both fine and imprisonment ; and no ordinance shall fix a penalty for a violation thereof at less than that imposed by statute for the same offense.

Twenty-fourth. To prohibit and regulate the opening and vacating of parks, cemeteries, grave-yards and public grounds within the city.

Twenty-fifth. To pass all such ordinances, not inconsistent with the provisions of this act, or the laws of the State, as may be expedient in maintaining the peace, good government, health and welfare of the

Telephone, telegraph and electric light wires.

Fines, forfeitures, &c.

Parks, cemeteries, &c.

Maintain peace and good government.

city, its trade, commerce and manufactures, and to enforce the same by fines and penalties; and any enumeration of subjects and matters herein to be regulated shall not be construed as a limitation upon this general power.

Twenty-sixth. To exercise the right of eminent domain, in accordance with the general laws regulating the exercise of such right.

Twenty-seventh. To appropriate money, and to provide for the payment of the debts and expenses of the city.

§ 2. No ordinance and no resolution shall be passed unless a majority of the members-elect in each board shall vote therefor on a *viva voce* vote, which shall be entered in full on the journals of the two boards, and until it shall have been read in each board at two several meetings, and free discussion allowed thereon; so much of this provision as requires a reading at two several meetings may be suspended by a vote of two-thirds of all the members-elect of the board in which the proposed ordinance or resolution is pending. No ordinance shall embrace more than one subject, and that shall be expressed in the title. No ordinance shall be revived or re-enacted by mere reference to the title thereof, but the same shall be set forth at length, as if it were an original ordinance. No ordinance shall be amended by providing that designated words thereof be stricken out and others inserted in lieu thereof, but the ordinance or section amended shall be set forth in full as amended.

§ 3. All ordinances and resolutions for raising revenue shall originate in the board of councilmen, but the board of aldermen may propose amendments thereto: *Provided*, No new matter is introduced under color of amendment which does not relate to raising revenue.

§ 4. The general council shall have power to pass, modify, amend and repeal all ordinances necessary and proper for carrying into effect the powers granted

Ordinances and
resolutions—how
passed.

Ordinances rais-
ing revenue must
originate in
board of council-
men.

Powers to pass,
modify or repeal
ordinances.

by this act; and all ordinances, by-laws, resolutions and orders now in force, not inconsistent with this act and the Constitution of the State, are hereby continued until they are revised, and until revision of ordinances is made and adopted by the general council, which is hereby ordered to be done within one year from the time this act takes effect. And then, and once in every five years thereafter, the city shall cause to be published in pamphlet form, properly indexed, all the ordinances and resolutions of a public nature in force. When an ordinance is put upon its final passage in either board, and failing to pass, a motion is made to reconsider the vote by which it was defeated, the vote upon such motion to reconsider shall be immediately taken, and the subject finally disposed of before the board proceeds to other business. When a motion is made and carried to indefinitely postpone an ordinance or resolution, the subject shall not be again introduced within six months.

§ 5. All ordinances and resolutions of the city may be proved by the signature of the clerk and the seal of the city; when printed by authority of the city, said printed copy shall be received in evidence in all courts and places without further proof.

§ 6. The validity of city ordinances and by-laws may be tried by writ of prohibition from the circuit court, with right of appeal to the Court of Appeals, or upon *ex parte* petition by the city, or any *bona fide* citizen and resident thereof, to the circuit court, with right of appeal; and it is made the duty of said court to give such cases precedence of all other cases, so that prompt decisions may be rendered. Should the judge of the police court decide against the validity of any ordinance or by-law, the said decision, with the ordinance or by-law, shall, on request of the city attorney, be certified on the record, and the city shall have a right of carrying said decision to the Court of Appeals by appeal or writ of error. All penalties for

Ordinances, &c.,
to be proved. To
be accepted as
evidence.

Validity of ordi-
nances—how es-
tablished.

violation of the ordinances and by-laws shall be sued for by warrant, in the name of the city, to the police court, when judgment may be given as well for the cost as the penalties. The general council shall cause all ordinances, resolutions and by-laws passed by them to be fairly recorded in the journal of proceedings. After the adjournment of any session of either House, all the original ordinances and all resolutions which may have become laws thereat, shall be filed with the auditor, who shall record the same in well-bound books provided for that purpose by the city: *Provided*, That no ordinance shall be recorded until it shall have become a law. The auditor shall also make a written index of the subject of the ordinance or resolution, its number, and the date of its becoming a law, together with the record and page where found, and he shall preserve the file and records in his office.

§ 7. The general council, unless otherwise provided by law, shall fix the salary and compensation and prescribe the duties of all officers, deputies and employes of the city, except as to the officers in office when this act takes effect. Such salaries shall be fixed before their election or employment, and the salaries of no city officer, deputy or employe, when so fixed, shall be changed after his election, employment or appointment during his term of office or employment, and no officer, deputy or employe of the city shall be entitled to any compensation or salary unless he, in person or by authorized deputy, discharges and performs the duties of his office. All officers, deputies and employes of the city, except as hereinafter provided, shall be paid a fixed salary, and not otherwise, and all fees and commissions authorized by law shall revert to and be for the use and benefit of the city.

Extent of salaries
and compensation
of officers.

§ 8. The salary of no officer of the city, including all necessary deputies and clerks, shall exceed five thousand dollars per annum; and no officer to whom fees, costs and commissions may be authorized by gen-

eral law to be paid, shall be entitled to or paid any part of his salary until he shall have made, on oath, an itemized report to the general council of all fees, costs and commissions collected by him, and have paid over to the city treasurer such fees, costs and commissions collected by him, and have given to the general council satisfactory reasons for a failure to collect and pay over to the city treasurer all uncollected fees, costs and commissions.

§ 9. The city, through its officers and agents, may, ^{Powers of city and officers as to dangerous or unhealthy premises.} at all reasonable times, within the city and within two miles of the city limits, enter into and examine all dwellings, lots, yards, inclosures and buildings, cars and vehicles of every description, to ascertain their condition of healthfulness, cleanliness and safety, take down and remove buildings, walls or superstructures that are or may become dangerous, or require owners to remove or put them in a secure and safe condition at their own expense; may direct and regulate the building and maintenance of partition, parapet and fire walls, partition fences, ovens, smoke-flues, fire-places, hot-air-flues, boilers, kettles, smoke-stacks, stove-pipes, and the erection and cleaning of chimneys; shall provide for the safe construction, inspection and repair of all private and public buildings in the city; compel persons to aid in extinguishing fires, or in the preservation of property liable to be destroyed or stolen, and compel the consumption of smoke, and make such regulations as may be necessary to prevent the same from becoming deleterious and offensive to health; to prescribe fire limits within which it shall be unlawful to erect buildings of wood or combustible materials.

§ 10. The general council shall, without unnecessary delay, enact stringent and effective laws for securing ^{Powers to protect persons from fires in hotels, &c.} the safety of persons from fires in hotels, factories or other buildings, and in halls and buildings let or used for public assemblies, for entertainments, or for amuse-

ment, inside the city limits, or within two miles of the city limits.

Granting franchise or privileges—terms and manner of.

§ 11. The general council shall not grant any franchise or privilege, or make any contract in reference thereto, for a term exceeding twenty years. Before granting such franchise or privilege for a term of years the general council shall first, after due advertisement in one or more papers in the city, receive bids therefor publicly, and award the same to the highest and best bidder, but shall have the right to reject any and all bids.

Expenditure of money limited.

Members of council prohibited from voting money in violation of this act.

§ 12. The general council shall not expend any money in excess of the amount annually levied, collected or appropriated for any special object. Any member of the general council who shall knowingly vote for any appropriation of money or for the making of any contract in violation of this act, or any officer of the city who shall knowingly do any act to impose upon the city any pecuniary liability in excess of the authority in this act limited, shall be guilty of a misdemeanor, and, upon conviction, be punished by a fine of not less than one hundred nor more than one thousand dollars, or imprisonment in the county jail not less than one month nor more than one year, or by both such fine and imprisonment.

Appropriations restricted.

Apportionment of revenue.

§ 13. No appropriation or payment shall be made from any revenue or fund account in excess of the amount actually collected or anticipated, as herein-after provided, and in the treasury.

§ 14. Within the first month of each fiscal year the general council shall, by ordinance, as near as practicable, make all necessary apportionments of the revenue to be raised for such year for the expense of the several departments and for all public works, under proper headings, and for such other objects as it may be necessary to provide for. All ordinances that contemplate the appropriation of any money shall, upon their second reading, be referred to the appropriate committee of the board in which such ordinances are

introduced, who shall obtain the indorsement thereon of the auditor to the effect that sufficient unappropriated means stand to the credit of the fund or revenue account therein mentioned to meet the requirements of such ordinances, and that the same is in the treasury, or it shall not be lawful to pass the said ordinance. The ^{Power to borrow money.} general council shall have power to borrow money on the credit of the city in anticipation of revenue from general taxes, for the fiscal half year in which the same is borrowed, and pledge any of the property of the city except school property, or pledge any part of the anticipated taxes of the city for the payment of the principal and interest of such loan: *Provided*, That the interest paid shall in no case exceed six per ^{interest.} centum per annum, and the principal shall in no case exceed fifty per centum of the anticipated revenue. The ^{Bonded indebtedness.} bonded and floating debt of the city at the time of the passage of this act, which has been authorized by contract or general law, shall remain unimpaired, and the general council may issue renewal bonds or funding bonds, bearing not exceeding six per centum per annum interest, in payment of such bonded or floating debt: *Provided*, That the issual of said renewal and funding bonds shall not exceed the principal of said bonded and floating debt, and said renewal and funding bonds shall not be sold for less than par and accrued interest.

§ 15. The general council shall have power to issue city bonds for an amount sufficient to construct, complete and pay for any sewer, building or other public improvement authorized to be constructed under laws heretofore enacted, or for the completing and carrying out any contract made for the construction of any such sewer, building or improvement: *Provided*, That such bonds shall not bear exceeding six per centum per annum interest, payable annually or semi-annually, and shall not be sold for less than par and accrued in- ^{Bonds to pay for incompletely contracted.}

terest, and be not in violation of the Constitution of this Commonwealth.

Extent to which city is authorized to increase its indebtedness.

§ 16. If, at the time of the adoption of the present

bonded or floating, including that which it has been or may be authorized to contract under the provisions of the present Constitution, shall exceed ten per centum of the value of taxable property therein, then such city shall be authorized and permitted to increase its indebtedness in an amount not to exceed two per centum:

Vote to be taken on increase.

Provided, The assent of two-thirds of the voters, voting at an election held for that purpose, shall have heretofore been or may hereafter be obtained, and to issue bonds for such increased indebtedness, to the amount so authorized by the vote of the people, and to levy and collect an annual tax sufficient to pay the interest on said indebtedness, and create a sinking fund for the payment of the principal thereof, within not more than forty years from the time of contracting same.

Bonds—how signed.

Said bonds shall bear the seal of the city, and be issued under the signature of the mayor, countersigned by the treasurer, shall be serially numbered, and in such form and denominations, and for such time or times as the council or city government may prescribe by ordinance, and shall bear interest not exceeding six per centum per annum, payable semi annually, and shall have interest coupons attached, and shall not be sold for less than par and accrued interest, and their proceeds shall be used exclusively to pay the interest on and create a sinking fund for the payment of the principal of said indebtedness herein authorized, or that may have been authorized.

Exemptions from municipal taxation.

§ 17. The general council shall have power to exempt manufacturing establishments from municipal taxation for a period not exceeding five years as an inducement to their location in the city.

Publish itemized account.

§ 18. The general council shall annually, in January of each year, publish an itemized account of all

money received and paid out during the preceding fiscal year.

§ 19. The general council shall have power to authorize, by ordinance, the proper officers of the city to grant and issue licenses, and to direct the manner of issuing and regulating the same, and the fees and charges to be paid therefor, except as hereinafter provided. No license shall be granted for more than one year, except at public letting, and not less than three dollars shall be charged for a license under this charter or any ordinance, and the fees for issuing the same shall not exceed one dollar, and all such fees shall belong to the city. All licenses for the sale of liquors ^{Sale of liquor.} at retail shall be issued by the city clerk, and in accordance with such regulations as may be prescribed by ordinance of the general council; and the general council, at the first meeting after this act takes effect, shall provide such regulations by ordinance, also fixing the rate of license, but such rate shall be uniform as to all licenses for the sale of liquors at retail, and shall not be less than fifty dollars nor more than one hundred and fifty dollars.

Street Improvements.

§ 20. The general council shall have and exercise exclusive control and power over the streets, roadways, sidewalks, alleys, landings, wharves, public grounds and highways of the city; to establish, open, alter, widen, extend, grade, pave, repave, block, construct, reconstruct, sweep, sprinkle or otherwise improve, clean and keep in repair the same; to prevent and remove all encroachments thereon or obstructions thereof; to put drains and sewers in the same, and to regulate and prohibit the building of vaults and areas under sidewalks; to enforce and regulate connection with sewers, gas and water mains and conduits of all kinds laid in or under the streets and highways of the city for any purpose. The general council may, by ordinance, prescribe certain sprinkling.

ling districts, and have the streets and avenues thereof sprinkled by the lowest and best bidder, assessing the cost thereof against the adjoining property per front foot.

Proceedings for condemnation of land for school purposes. § 21. All proceedings for condemnation of land for public, municipal or school purposes shall be prescribed by ordinance or order of the school board, and instituted in the circuit court, in the name of the city by the city solicitor, and except as herein expressly provided, shall be governed by the same jurisdiction, rules of practice and form of procedure as may be required by general law for condemnation of lands.

Construction and reconstruction of streets. § 22. The general council may, by ordinance, provide for the construction or reconstruction of the streets, alleys and other public ways and sidewalks, or parts thereof, of the city upon the petition of the owners of a majority of the front or abutting feet of the real estate abutting on such proposed improvement, or without a petition by a vote of two-thirds of the members-elect of each board of the general council. But when such original construction is to be made with brick, granite, asphalt, concrete or other improved material or paving, it shall be made only upon the petition of the owner or owners of at least two-thirds of the front or abutting feet of real estate abutting on such improvement. Such original construction of public ways shall be made at the exclusive cost of the owners of the real estate abutting on such improvement; and such reconstruction of such ways shall be made one-half at the cost of the owners of the real estate abutting on such improvement, and the other half at the cost of the city. Such cost of construction and reconstruction which is to be paid by the property-owners shall be apportioned among and assessed upon the lots or parcels of real estate abutting on such improvement according to the number of front or abutting feet. There shall be a lien upon such lots or parcels of real estate for the part of the cost of such improvement so assessed thereon, and the same shall

bear interest from the time of the assessment. All such liens may be enforced by action. The city shall pay the cost of the improvement of intersections of public ways. The cost of making sidewalks, including curbing, whether by original construction or reconstruction, shall be apportioned to the front foot, as owned by the parties respectively fronting said improvement, and paid by them. Such cost shall be assessed as the cost of the construction of streets, and there shall be a like lien for such assessments enforceable in like manner.

§ 23. The general council may issue bonds to bear not exceeding six per centum per annum interest to provide funds to pay for the part of the cost of any improvement that is under this act to be paid by the city. Bonds for street improvements.

§ 24. The general council may, in its discretion, upon a petition of a majority of the property-owners on the part of the public way proposed to be improved, grant them permission to improve said public way under the supervision of, and within such time as may be fixed by, the superintendent of public works. Improvement of public ways by property-holders.

§ 25. When any such improvements have been made, and the contract therefor completed, the superintendent of public works shall, by one insertion in the official newspaper, give notice of the time and place fixed for the inspection and reception of the work by the superintendent, and the property-owners, their agents and representatives, may appear and be heard as to whether such improvements have been made in accordance with the ordinance authorizing the same, and the contract therefor. Inspection and reception of improvements.

§ 26. No error in the proceedings of the general council shall exempt from payment, after the work has been done, as required by either the ordinance or contract; but the general council or the courts in which suits may be pending, shall make all corrections, rules and orders to do justice to all parties con- Errors shall not exempt from payment.

cerned; and in no event, if such improvement be made as is provided for, either by ordinance or contract, shall the city be liable for such improvement without the right to enforce it against the property receiving the benefit thereof; but no ordinance for any original improvement mentioned in this act shall pass both boards of the general council at the same meeting, and at least two weeks shall elapse between the passage of any such ordinance from one board to the other.

May provide for improvement on ten-year plan.

§ 27. The general council may provide that any such construction or reconstruction shall be made on the ten year plan; and thereupon, when any such improvement has been completed and accepted, a notice shall be given by publication in the official newspaper, requiring the property-owners to pay the local taxes levied on their property; and if any such local taxes be not paid by such property-owners, then to provide a fund for the immediate payment of such portion of the entire cost of such improvement or reImprovement the abutting property-holders shall be liable for, but may not pay in cash, in conformity with said notice, the general council is authorized to borrow money at a rate of interest not exceeding six per centum per annum, in anticipation of the collection of a special tax or assessment for such improvement or reImprovement, from such property-holders, and to issue the bonds of the city therefor in the manner and form herein provided, pledging the faith and credit of the city for the payment of the principal and interest thereof. Said bonds shall be divided into ten series, each series to be as nearly equal as possible, said series to be paid respectively in one, two, three, four, five, six, seven, eight, nine and ten years after date. Said bonds shall be of the denomination of one hundred dollars, or its multiple, not exceeding one thousand dollars, and shall bear interest at the rate of not exceeding six per centum per annum. The bonds shall have the name of street,

alley, market space or public square, or portion thereof, for the improvement of which they are used, printed, engraved or written thereon. Any odd amount remaining after the issuing of said bonds of the denomination of one hundred dollars, or its multiple, as herein provided, may be paid in cash out of the general fund of the city, or may, at the option of the general council, be included in a separate bond, payable in ten years from date, drawing like interest as the bonds herein provided for. The owner or owners of each lot or parcel of land bounding or abutting upon such improvement or reimprovement, and who does not pay in cash the entire amount of assessment or tax due from his lot or parcel of land as above provided, shall pay annually, at such time as shall be specified in the assessing ordinance of the general council, one-tenth of the amount of the assessment or tax due from his lot or parcel of land, together with five per centum interest thereon, and five per centum interest upon the remaining assessment unpaid, and such payments shall continue to be made until the entire amount of the assessment and interest shall be paid. In default of such payment at such times, the same penalty shall attach on the amount so payable as attaches to the non-payment of other municipal taxes, and shall be collected, together with amount so due from the owner or owners of such lot or parcel of land, in the same manner as other city taxes and penalties are collected for municipal purposes; and such assessments and penalty shall be and remain a lien upon such lot or parcel of land until the same has been fully paid and satisfied. It shall be the duty of the city treasurer, immediately on default of payment in cash of the assessment upon said property at the time specified by the general council, to forthwith certify all unpaid assessments to the city auditor, and cause the same to be placed upon the tax duplicate with other taxes. The annual assessment, and all portions thereof, shall be paid to the city

treasurer when collected, and shall go into the sinking fund of the city, and shall be by the sinking fund commissioners applied, as far as practicable, to the payment or purchase bonds issued in anticipation of their collection and the interest thereon as the same shall become due; but if impracticable, the same shall be invested as other funds of the sinking fund are required to be invested.

Assessment for
street improve-
ment restricted.

§ 28. No local assessment for street improvement shall exceed one-half of the value of the property assessed.

§ 29. Subject to the limitations and restrictions herein contained, the general council shall, by ordinance, adopt a uniform system to govern and regulate the construction and reconstruction of all public ways and sidewalks of the city. And when such uniform system is so adopted, then the general council may therein provide that part, and if so, what part, of the cost of original construction of any public way shall be paid by the city; and when such provision is so made, the same shall not be changed, but shall thereafter apply to the original construction or improvement of all public ways.

Receipts from
water-works to
be applied to
streets.

§ 30. The net revenue derived by any city of the second class from its water-works shall be applied exclusively to the reimprovement or reconstruction of the streets and the other public ways of the city.

Sewers.

Sewers, powers
of council con-
cerning.

§ 31. The general council shall have power to construct sewers along or under any of the streets, alleys or highways of the city, and may assess the entire cost, including intersections, of constructing the same to an amount not exceeding one dollar per front foot of the abutting property upon the lots and lands bounding or abutting upon said streets, alleys or highways in, under or along which the sewers shall have been constructed; the cost of the construction of sewers, not exceeding said sum of one dollar per front

foot of the abutting property, shall be apportioned equally on the said abutting lot-owners according to the front feet. When the amount of the quotient, after dividing the entire cost of the construction of the sewer, as estimated and computed to the general council by the engineer by the number of front or abutting feet, exceeds the sum of one dollar per front or abutting foot, then, and in that event, the entire cost of construction of said sewer shall be assessed upon the lots and lands in the neighborhood of said sewer which may be benefited thereby according to the benefits received; and in every such case the council shall, by ordinance, fix and determine the amount of tax to be levied upon the several lots or lands so benefited. The general council may, however, out of the general fund, contribute and pay towards the construction of such sewer such part thereof as may to the council seem proper. The tax provided for in this section shall be a lien upon such abutting or benefited property, as the case may be, and may be collected and enforced as street improvement liens are collected and enforced; but the amount of sewer tax assessed against any lot or land shall in no event exceed one dollar per front or abutting foot.

ARTICLE V.

Executive Department—Officers and their Duties— Mayor.

§ 1. The chief executive officer of the city shall be Executive department—duties of officers. the mayor. He shall be elected for a term of four years by the qualified voters of the city.

§ 2. The mayor shall be ineligible for the succeeding term after the expiration of the term for which he shall have been elected. He shall be not less than thirty years of age, and possess the same qualifications, and rest under the same disabilities, that are required of the general council; and, in addition thereto, shall have been a resident and voter of the

Mayor—Elec-
tion and qualifi-
cation of.

Salary.

See that all laws are enforced.

city not less than three years next preceding his election. He shall commence the execution of the duties of his office on the first Monday in January succeeding his election, and shall continue in the execution thereof until his successor shall have been duly elected and qualified. He shall receive at stated times, for his services, a compensation to be fixed by ordinance, not exceeding four thousand dollars per annum. He shall see that all ordinances and by-laws of the city are duly executed and put in force; he shall see that all officers and employes of the city shall discharge their respective duties faithfully and efficiently, and upon their failure so to do, shall report same to general council.

Fill vacancies.

Care of public property.

§ 3. He shall have power, except as otherwise provided in this act, to fill vacancies in office, which shall not expire until such vacancies shall have been filled according to the provisions of this act. He shall have the care and superintendence of all the public property of the city, and shall execute all contracts for the city, authorized and directed by ordinance, and shall see that all contracts with the city are conducted and completed according to the contract.

May require information from officers.

§ 4. He may require information in writing from the executive and ministerial officers of the city upon any subject relating to the duties of their respective offices.

Communicate to council.

§ 5. He shall, from time to time, give to the general council information in regard to the affairs of the city, and recommend to their consideration such measures as he may deem expedient; he may, for special reasons, convene the general council at any time.

Shall keep an office.

§ 6. He shall keep an office at some convenient place in the city, as prescribed by ordinance, and shall have power to administer oaths. He may discharge from confinement any person convicted and sentenced in the police court, and shall file with the board of aldermen a statement in writing of his reasons therefor.

which statement shall always be open to public inspection.

§ 7. He shall see that every officer who is required to give bond has duly given said bond and qualified before he enters on the duties of his office. If the mayor permit any officer to be without bond, he shall be responsible for the defaults of such officer so long as the same shall continue.

§ 8. He shall annually require of the executive and ministerial officers of the city a detailed statement in writing of the business and condition of their respective offices, which annual statement he shall embody in a report, with such other suggestions, recommendations and information as he may deem proper, which report he shall present to each board of the general council, which shall be ordered printed by the general council.

§ 9. Every proposed ordinance or joint resolution which has passed the general council shall be presented to the mayor, and if he approves it, he shall sign it, and return it to the board in which it originated; but if he disapproves it he shall return it, with his objections in writing, to the board in which it originated; and said board shall then reconsider the same, and if two-thirds of the members-elect concur in adopting it again, it shall be sent, with the mayor's objections, to the other board, when it shall also be reconsidered, and if passed by a vote of two-thirds of the members-elect, it shall be in full force and effect; in such cases, the vote of such board shall be taken by yeas and nays, and recorded in the journal. Should the mayor fail to approve a proposed ordinance or resolution within twenty days after presentation to him, he shall be deemed to have disapproved the same, and thereupon the same course shall be pursued with reference thereto as if he had in fact disapproved the same. The general council may authorize the mayor to appoint a

clerk, and the general council shall fix his compensation.

§ 10. All legal process or notice of any kind for or against said city shall be executed upon the mayor thereof, who shall communicate the same to the general council at the next meeting of the board thereof, which shall meet first after the service of said process or notice, and shall also communicate the same to the proper officers of said city upon reception by him.

Legal process to be served on.

§ 11. The mayor shall discharge such other duties as may be required of him by ordinance.

Official paper to be chosen.

§ 12. The mayor, on the first Monday in April of each year, shall hear such proof as may be offered to him by sworn statement, oral and written, as may enable him to determine the daily newspaper having the largest *bona fide* circulation in the city, and the newspaper having such circulation shall be selected and known as the official newspaper of the city, and in such official newspaper for the term of one year shall regularly and promptly publish a correct and full abstract of the proceedings of both boards of the general council and of all ordinances, resolutions and notices which, under this act, or the ordinances of the city, may be required to be published; but the price for such printing shall not exceed the regular advertising rates of such newspaper. The mayor may examine the subscription books and other evidences offered by competitors to enable him to reach a just determination; and the determination of the mayor shall be final. No ordinance or resolution appropriating or paying out less than fifty dollars shall be published, nor shall ordinances for street or other public improvements, or proposals for bids for such improvements, include details and specifications; but these shall, in the proper office, be open to examination, and the notices shall so state.

Superintendent of Public Works.

§ 13. The mayor shall appoint a superintendent of public works, subject to the approval of the board of aldermen, for a term of two years; and he shall be subject to removal by the mayor, upon the approval of the board of aldermen. But said superintendent shall not undertake any improvements or perform any work, or make any appointments or employments, until said work and improvements shall have been authorized by ordinance, and until the number and compensation of appointees and employes shall have been fixed by ordinance, and the city shall not be held to any liability incurred by said superintendent in violation of this provision.

§ 14. Said superintendent shall supervise the paving, grading, construction and reconstruction of the sidewalks and roadways of all streets and alleys and public grounds in the city; the cleaning, sprinkling, repairing and improving of all streets, avenues, alleys and public places; the constructing, altering, repairing and managing of all bridges, wharves, culverts, receiving basins, sewers, drains and water-courses within the city; the laying of gas, water and sewer pipes through any street or alley, and the issuing of permits for the connecting with any gas, water or sewer pipe; the laying down and repairing of all sidewalks, cross-walks, curbing and guttering; the constructing of all vaults under any portion of the streets.

§ 15. Said superintendent shall exercise such other powers and perform such other duties in the superintendence of public works, improvements and repairs constructed by the authority of the general council or owned by the city, as may be prescribed by ordinance. Said superintendent shall make all necessary regulations for the government of the department, not inconsistent with this act or any ordinance of the city. It shall be the duty of the superintendent to keep an

Make rules and regulations.

accurate account of all work done in his department, showing the amount expended for original improvements and construction, and the amount for repairs, superintendence and other expenditures, exhibiting the source of expenditure ; and it shall be the duty of said superintendent to make a report in writing to the general council once every three months, or oftener if thereto required, giving the expenditure of the work under his control, and a statement of the conditions and progress of the work in his charge.

§ 16. The superintendent, at the beginning of each fiscal year, shall submit to the auditor a statement of the estimated amount required by his department for repairs and improvements during the ensuing year. Such statement shall be in detail, and the same shall be laid before the general council by the auditor. The general council, in the first apportionment ordinance of the fiscal year, shall set apart such amount as may be deemed necessary for the purposes of said board, payable out of the next annual revenue of the city.

§ 17. It shall be the duty of such superintendent to keep books and accounts. keep books showing, with accuracy, the receipts and expenditures of his department in such manner as to enable the same to be understood and investigated, and also to preserve on file in the office duplicate vouchers for all expenditures, which books and vouchers shall at all times be open to the examination of the auditor, or to the financial committee of the general council, or to any member of the general council.

Payment of salaries and expenses.

§ 18. All bills and accounts of said superintendent, and all salaries and compensation of appointees and employes, shall be allowed and paid in the same manner that the bills, accounts, salaries and compensations of other officers, persons, appointees and employes of or against the city are paid.

§ 19. Said superintendent shall have charge, control and supervision of the city's gas, electric light works, wharves, parks and market-houses.

§ 20. The general council may, by ordinance, establish a board of public works, to consist of three members. Said board, if established, shall be appointed as said superintendent is authorized to be appointed, and for the same terms. When such board is established, said office of superintendent shall cease. Said board, if established, shall not be abolished within six years. The compensation of said superintendent and said board, if established, shall be fixed by the general council.

Council may establish board of public works.

Auditor.

§ 21. The mayor shall, on or before July succeeding his election, appoint, with the advice and consent of the board of aldermen, an auditor, for the term of two years, and until his successor is duly appointed and qualified. He shall be an elector of the city, and a resident of the city for five years next preceding his appointment.

Auditor to be appointed by mayor.

§ 22. The auditor shall be the general accountant of the city, and as such it shall be his duty to receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts or contracts of the city, its debts, revenues and the fiscal affairs, and to adopt a proper mode and manner of double-entry book-keeping. He shall state and render all accounts filed or kept in his office between the city and other persons or body-corporate, except when otherwise provided by law or ordinance. He shall examine, adjust and admit all unsettled accounts, claims and demands against the city for payment of which any money may be drawn from the treasury, and after having examined the same, with all accompanying vouchers and documents, shall certify thereon the balance or true state of such claim or demand; but no such claim or demand, or any part thereof, shall be audited against the city unless it is authorized by law or ordinance, and is in proper and fully itemized form, and unless the amount required for the payment

Duties of auditor.

of same shall have been appropriated for that purpose by the general council, or until a classified list of such claims and demands has been approved by the auditing committee and reported to and ordered to be paid by the general council. He shall have power to administer oaths, and may require statements of accounts, to be verified by affidavit, whenever he thinks proper, and he shall keep all accounts of the city, general and special, in a systematical and orderly manner. He shall keep all accounts and memorandums of claims against the city properly filed and indexed.

^{Keep accounts.} § 23. He shall keep accounts of all money received by the city from any officer or agent thereof, either from collections, loans, sale of bonds, fees, fines, penalties or otherwise, and see that they shall be deposited in the treasury regularly once a day, unless otherwise provided by law or ordinance; and in case the provisions of this section are not complied with, shall report such delinquencies to the mayor and general council. His books shall be public records, and open at all times to inspection by the mayor and members of the general council, and under proper regulations to the public. He shall report the balance in the treasury each day to the mayor, and at the regular monthly meeting of the general council shall report the unexpended balances on all appropriations.

<sup>General super-
vision of fiscal
affairs.</sup>

§ 24. He shall exercise a general superintendence over the fiscal affairs of the city; the collection and return into the treasury of all money and revenue of the city; the disbursements of all revenues and moneys of the city; of all property, assets and claims, and the sale or other disposition thereof; and by and with the consent of the mayor shall see that all necessary official and legal proceedings are had for the protection of the city's interests in all such property, assets and claims; that proper rules and regulations are prescribed and observed in relation to all accounts, settlements and reports connected with the fiscal concerns of the city;

that no liability is incurred or expenditure made on behalf of the city without due authority of law; and that appropriations are not overdrawn. He is especially charged with the preservation of the credit and honor of the city in relation to its public debt and other liabilities; and shall, with the mayor's written approval, do and perform any and all acts and things not inconsistent with the provisions of this act, and any ordinances thereunder, as may be proper to accomplish the duties contemplated herein. He shall make annual reports to the general council, and to the mayor on his request, on the financial condition and requirements of the city, with careful estimates of receipts and expenditures. The records of his office shall show the financial operations, conditions, property, assets and claims of the city, the expenditures authorized for public works, and all contracts with the names of contractors, in which the city is interested, and the bonded and other indebtedness of the city; he shall countersign all warrants drawn on the treasurer for any payments, and shall duly record the amount and nature of the same. He shall have access to the books and other records of any department under the city government whenever he so desires, and he shall see that the accounts of the city are kept in a plain methodical manner. He shall have a seat in either board of the general council, with a right to debate on any question pertaining to his department, but shall have no vote.

§ 25. Should any judgment be rendered against the city, for which no provision has been made by ordinance or otherwise, he is authorized, with the approval of the mayor and general council, to effect a temporary loan to meet the same, and to do and perform all other acts, with the approval of the mayor and general council, necessary to preserve the credit and prosperity or rights of the city.

Duty of auditor
in case of judg-
ment against
city.

City Treasurer.

§ 26. There shall be a city treasurer elected by the ^{City treasurer to be elected.} qualified voters of the city. No person shall be eligible to the office of city treasurer who is not twenty-five years of age, and who has not been for three years preceding his election an elector of the city.

§ 27. The treasurer shall give such bond and receive ^{Salary, bond and duties of treasurer.} such salary as the general council shall by ordinance provide. In addition to such other duties as may be

required herein, or as may be provided by ordinance, he shall receive all funds of the city and deposit them in the city depository before he shall pay out any of them, and he shall not pay out any money save on duly authenticated orders, and then by check or order

^{City depository.} on the city depository. The city depository shall be one of the banks of the city, which shall be selected and designated by the city treasurer. He shall make daily deposits in such depository of all money received by him for the city in the preceding twenty-four hours. He shall furnish to the auditor once in each month, and at any time when demanded, a certificate from the city depository showing the balance on hand to the credit of the city, and also a statement of the gross amount and numbers of the warrants or orders on the treasurer paid by him since his preceding report.

^{Depository to give bond.} The depository shall, before the city funds shall be deposited with it, execute to the satisfaction of the general council bond, in such sum or penalty as the general council shall fix, for the faithful care and payment of all funds intrusted to it.

City Clerk.

§ 28. It shall be the duty of the city clerk, in person or by deputy, to attend all meetings of the ^{City clerk's duties to attend council and keep journal.} general council, both in joint and separate session, and to keep a true record, properly indexed, of its proceedings, to promptly and without delay present to the mayor for his consideration and action all ordi-

nances, resolutions or by-laws passed by the general council, taking the receipt of the mayor therefor, showing the date of delivery to the mayor, and shall also note of record the action of the mayor thereon. The clerk shall keep the seal of the city, and affix the same when required by law.

§ 29. Said clerk shall deliver to the auditor all ordinances, by-laws, resolutions, contracts, original papers and documents of every character, or copies thereof, taking his receipt therefor, showing the date of delivery, which receipt the clerk shall note of record; but no ordinance, by-law or resolution shall be so delivered until the same shall have become a law and in force and effect, save as to publication.

§ 30. Said clerk shall sign all warrants on the treasury, shall issue all licenses authorized or required by law or ordinance, and shall make out and copy all assessment, license and tax-books as may be prescribed by law or ordinance, and deliver same to the proper officials.

§ 31. He shall have the custody of the public records, the originals or engrossed copies of ordinances of the city; all original or copies of contracts, deeds and certificates relative to the title of any property of the city; all original or copies of official, penal, indemnity and security bonds, and such other records, papers and documents of value as are not required to be deposited in any other office, all of which shall be registered by numbers, date and contents. He shall keep the contract book and ordinance book of the city, and have all contracts and ordinances accurately entered and engrossed in said books respectively. He shall attest all public instruments and official acts of the mayor by his signature and the seal of the city. He shall make copies of such original documents, records and papers in his office, as may be required by any officer or person, and charge therefor such fees as may be provided by ordinance, said fees to be for the use and benefit of the city. He shall have general super-

Clerk to deliver
ordinances, &c.,
to Auditor.

Sign warrants.

Custody of pub-
lic records.

Attest official
acts of mayor.

vision of the public printing, and see that it is properly executed, and shall file and preserve in his office printed copies of all ordinances passed by the general council which become laws. He shall register and preserve in his office all contracts, bonds, oaths or affirmations taken or given by city officers or employes, and may administer such oaths or affirmations. He shall give bond for the faithful performance of his official duties, in the sum of not less than thirty thousand dollars, with such solvent security as may be approved by the mayor and general council, and shall receive such salary and perform such other duties as the general council may provide by ordinance.

Police and Fire Commissioners.

Police and fire commissioners to be appointed by mayor.

§ 32. The mayor, subject to the approval of the board of aldermen, shall appoint four citizens and freeholders of the city, who shall have been electors of the city for five years preceding their appointment, and who shall not be less than thirty years of age, and not related to the mayor by blood or marriage, who, together with the mayor, shall compose a board of police and fire commissioners. The mayor shall be *ex officio* chairman of said board. Said commissioners shall be appointed for a term of one, two, three and four years, respectively, upon the taking effect of this act, and every year thereafter, as the terms of office of the said commissioners shall expire, respectively, there shall be one commissioner appointed for a term of four years, and the mayor shall fill all vacancies that may occur in said board. The salaries of the commissioners may be fixed by the general council. The city clerk shall act as clerk of said board.

Powers of police and fire commissioners.

§ 33. The said commissioners shall have full control over the police and fire departments of the city, together with all the property and paraphernalia thereof or belonging thereto, and may make or ordain and put into execution such by-laws, rules and regulations for the government of said departments as may be

deemed expedient, and may prescribe the qualifications of the firemen and officers and members of the police and fire departments, respectively. They shall appoint a chief of police and all policemen, and a chief of the fire department and all subordinates, and shall fix the salary of the chiefs of all departments and prescribe their duties, and they may grade the officers of said departments and prescribe their several duties, and may remove them with or without cause.

§ 34. They are expressly charged with the duty of ^{Duty of commissioners.} having the chiefs and the members of the police and fire departments to faithfully discharge such duties as may be imposed by law or prescribed by ordinance, and to that end may remove any member of either department with or without cause.

§ 35. The number of firemen or policemen and officers ^{Number of firemen and policemen.} of either department may be such as the general council may, from time to time, ordain, and may be increased or diminished upon petition of the commissioners in that behalf; and said general council shall, by ordinance, provide for the payment of salaries of the firemen and policemen and officers of either of the said departments, and other expenses thereof.

§ 36. Each member of the police force, before entering upon the discharge of his duties, shall take an oath before the mayor to well and truly discharge the duties of his office, which oath shall be subscribed by the person taking it, and shall be preserved on file in the office of the auditor. Each policeman shall give such bond as may be prescribed by ordinance, with securities satisfactory to the police and fire commissioners, for the faithful discharge of his duties. No person convicted of felony shall be eligible as a policeman.

§ 37. It shall be the duty of the chief of the fire department to be present at all fires, and investigate the cause thereof, and may examine witnesses, compel the production of testimony, administer oaths, make ^{Duties of chief of fire department.}

arrests, and enter any building for the purpose of examination, which, in his opinion, is in danger from fires; and he shall report his proceedings to the general council at such times as may be required. Said chief shall direct and control the operations of the firemen at all times, and they shall obey his orders and directions; and he shall have full access to and use of all cisterns and fire-plugs, and of the waters of the water-works, or the cisterns of private persons, for the purpose of extinguishing fires; and he shall, at all times, have access to and right to examine all cisterns and all plugs and pipes of the water-works, to see that the same are in proper condition for use in case of fire; and he shall have full control of all buildings belonging to the fire department, and of all hose, wagons, engines, horses and other appliances and apparatus provided for said department, and of the firemen at all times in the discharge of their duties; and he shall perform such other duties not herein specifically imposed as general council shall, by ordinance, prescribe.

Commissioners of Water-works.

§ 38. In such cities of the second class as own a water-works system there shall be a board, to be styled "The Commissioners of Water-works," to be composed of three members appointed by the mayor, subject to the approval of the board of aldermen. They shall have the qualifications required for aldermen, their terms of office shall be three years and until their successors are appointed and qualify, except that the members first appointed under this act shall be appointed for one, two and three years, respectively, and thereafter one member shall be appointed each year for a term of three years. The first appointments of said commissioners shall be made in May, one thousand eight hundred and ninety-four. Said commissioners shall give bond for the faithful performance of their duties in the sum of five thousand dollars, and

Commissioners
of water-works
to be appointed
by mayor.

Qualifications
and terms.

they shall serve without compensation. Said commissioners shall control and manage the water-works and water system of the city, subject to such regulations and limitations as the general council may, by ordinance, provide ; they may appoint and remove a superintendent, secretary and other necessary employes, and allow them such compensation as the general council may approve. They shall make full monthly reports to the general council of the operation and condition of the water-works or water system of the city, including all receipts, expenditures, repairs and work connected therewith. The city treasurer shall be *ex officio* treasurer of said board. Two members of said board shall constitute a quorum.

Powers of commissioners.

ARTICLE VI.

Judicial Department.

§ 1. There shall be established in and for each city of the second class a court, to be called the police court, to be presided over by one judge, to be elected as hereinafter provided, who shall receive for his services such salary as the general council shall fix by ordinance ; and said judge shall not receive any other compensation from any source. No person shall be eligible to the office of police judge, who, at the time of election, is not twenty-five years of age, a resident of the city for four years. This shall not apply to present incumbents nor to police judges elected in November, one thousand eight hundred and ninety-three.

Police court established.

§ 2. Said court shall have exclusive original jurisdiction in all prosecutions for the violation of the ordinances of the city, and jurisdiction concurrent with the circuit court and justices of the peace of all pleas of the Commonwealth arising within the limits of the city, except cases of felony ; and said court shall have power and authority to take recognizances from persons charged with offenses recognizable before

Jurisdiction of, as to violation of ordinances.

said court, to appear and answer the same as the circuit courts have, and a like power to enforce compliance with the same, and as to committing criminal offenders and sending them on for trial. Said court shall have all power given by the general law to examining courts.

Pe it larceny. § 3. Said court shall have jurisdiction of all cases of petit larceny and vagrancy arising in said cities respectively, and the justices of the peace are hereby required to make the recognizances of all persons charged with being vagrants or with petit larceny within said several cities returnable to the police court instead of the circuit court, and upon conviction of vagrancy or petit larceny, the person so convicted shall be sent to labor in the city prison or workhouse, for not less than three nor more than twelve months: presentment or indictment by a grand jury shall not be necessary in cases of vagrancy or petit larceny, but the person charged with either of these offenses may be arrested on warrant and tried by the police judge, and if found guilty, convicted by him. Women may be so tried and convicted on the charge of being vagrants.

Riots, routs and unlawful assemblies. § 4. The jurisdiction of the police judge shall extend to all cases of riots, routs or unlawful assemblies within the city. Whenever said judge shall be advised or receive information on oath of any rout or any unlawful assemblies of people, for the purpose of gaming or any other unlawful purpose whatever, it shall be lawful for him to issue his warrant to arrest all such offenders, directed to the sheriff or any constable of the county, or the police of the city, and if no officer be at hand to serve such warrant, then to such discreet persons as said judge shall appoint, returnable before some justice of the peace of the county, on which warrant it shall be the duty of the officer or other person to arrest and bring before said justices of the peace of the county all persons who shall be found so assembled, to be dealt

with by the justices according to law ; and it shall be the duty of the citizens of the city and county to attend the officer or other person, if they should be thereunto summoned, to aid and assist in arresting the persons so found guilty of infracting the law.

§ 5. Said court shall be holden at such places as ^{Place of holding court.} the general council shall designate, or they failing to designate a place, at such places as the judge shall select ; and the judge shall have power to fix such time for the holding of his court as in his discretion the cases coming before him for trial may seem to him to require. Said court shall be a court of record and shall have a seal, which shall be in the custody of the judge or the clerk of the court, to be used and affixed by said judge or clerk, as the seals of the circuit court are.

§ 6. That all persons committed by said court for ^{Bond to keep the peace.} default of surety for good behavior or to keep the peace, and all others whom the city is bound to maintain when committed to jail, shall be confined in the city work-house or prison, and they may be compelled to labor as many days, at such sum per day as may be necessary to defray the reasonable cost of their board, to be, from time to time, determined by the mayor and general council.

§ 7. That all recognizances taken by the judge of the ^{Power to take recognizances.} police court, when the day is given for the appearance of the party, except in cases in which he has jurisdiction to try the matter, shall be for the appearance in the circuit court ; and all recognizances, those above excepted, shall be conducted as recognizances taken and returnable by magistrates. The said judge, on the examination of criminal offenders, shall make out and sign a statement of the evidence, and shall recognize the witnesses, and shall return the statement of the evidence and the recognizances to the clerk of the circuit court.

§ 8. No judgment for cost shall be rendered in favor ^{Amount of costs restricted.} of the city for a greater amount than the fine, unless

the judge of the police court shall be of the opinion that a judgment for full costs shall be rendered against the offender, and shall so certify on the record.

Fees for witnesses and juries.

§ 9. The general council shall have power, by ordinance, to fix and regulate witness and jury fees in the said police court: *Provided*, That said fees shall not exceed those allowed by law in the justice's court.

Fines and costs for benefit of city.

§ 10. All fines and penalties and costs collected in the police court shall be for the use and benefit of the city, and the officer collecting such fines and penalties shall make daily reports of such collections to the treasurer, taking duplicate receipts therefor, one of which shall be delivered to the auditor.

Process—to whom awarded.

§ 11. Said court may award all process, original, mesne and final, that may be deemed necessary and proper for the due distribution of justice within its jurisdiction. Said process may be directed to and executed by the chief of police, or any policeman or any sheriff or constable within the State.

Clerk of police court.

§ 12. The judge of the police court shall act as the clerk of his own court, unless otherwise provided by ordinance, or may appoint a clerk for his court. The city, however, shall not be liable for the compensation of such clerk if so appointed.

Court always to be open.

§ 13. Said court shall always be open for the trial of causes and hearing of complaints, and may set cases for particular days, and may make process returnable to any day within named or forthwith, when the nature of the case may so require.

Power to take recognizances.

§ 14. Said court shall have power to take recognizances for the appearance in said court of persons charged with offenses recognizable in said court; also recognizances to keep the peace and be of good behavior for the period of one year.

May empanel jury.

§ 15. Said judge, in all causes tried before said court, may empanel a jury, and where the punishment may be a fine of twenty-five dollars or more, or imprisonment in the jail or work-house, other than the commutation of a fine, the defendant or accused may, at or

before the cause is called for trial, but not afterwards, demand a jury, who shall try the facts and be governed by the instructions of the court as to the law; and in all other cases the judge shall try and determine both the law and facts. A jury in said court shall consist of six jurors, who shall be summoned by the chief of police or police officer under his direction. They shall have the same qualifications as is required of jurors in the circuit court, and the court shall have the same power to hold or excuse their attendance that circuit courts have.

§ 16. All regular policemen of the city shall be officers of the said court, and the chief of police, or some policeman delegated by him, shall be in constant attendance upon the sessions of the said court, and subject to its order.

§ 17. Said court may assess, in addition to fine or imprisonment, any sum in his discretion, not exceeding three dollars, as costs against any defendant when convicted of any offense for which, if not paid, the defendant shall be committed to imprisonment in jail or work-house, as in case of fines. All fines, costs and forfeitures shall be collected by the chief of police and paid into the city treasury, and a duplicate receipt shall be given therefor, one of which shall be filed with the city auditor.

§ 18. The city judge shall keep a register of all re-plevin bonds taken by the court, and as soon as replevin bonds fall due, he shall notify the principal or sureties of its maturity, and if the same are not immediately paid, he may enforce the payment thereof against any or all of said persons by proceeding as for contempt.

§ 19. The territorial jurisdiction of the said court shall be coextensive with the corporate limits of the said several cities; and said court, in cities bordering on the Ohio river, shall have jurisdiction over said river opposite to the city to low water-mark on the

Policemen shall
be officers of
court.

May commit for
non-payment of
costs.

Register of re-
plevin bonds.

Extent of terri-
tory jurisdiction.

Ohio side, and in cities on the Licking river over said Licking river to the opposite shore.

§ 20. There shall be elected by the qualified voters of the city a city attorney, who shall hold his office for four years. The city attorney shall appear for the city in all cases in the police court, and prosecute or defend in behalf of the city all appeals from the decisions of the said court in which the city may be a party, or is in any way interested; and shall perform such other duties as the general council may prescribe by ordinance, and such as may be required of him by the city solicitor.

§ 21. A city solicitor shall be elected for a term of four years. He shall be a regularly admitted and practicing attorney-at-law. He shall appear for the city, and attend to all cases in the circuit court and Court of Appeals, wherein the city may be a party complainant or defendant, or a party in interest; he shall give advice to any and all city officials, and to the general council, and shall attend the meetings of both boards of the general council, or of any committee thereof, when requested; and shall supervise the preparation of all contracts to which the city may be a party, and perform such other duties as may be prescribed by ordinance.

§ 22. The city solicitor and the city attorney shall be paid such salaries as the general council shall deem proper.

§ 23. The chief of police shall, by himself, or any policeman acting under his authority, attend all the sessions of council and of the police court, execute the orders thereof, and preserve order thereat. He shall, by himself, or policeman acting under his authority, execute all orders emanating from the police court directed to him. He shall collect the fees of the judges of the police court and of the mayor, if required. He and policemen acting under him shall execute such bond, with such surety as may be required by ordinance, to the city, conditioned that they will faith-

Chief of police to attend council meetings.

fully perform all the duties of their office, and pay over all sums of money that may come into their hands to the persons entitled thereto ; and a lien shall exist on the lands of the chief of police or policeman deputized by him and their sureties, and from the time of executing bond, for all sums of money that shall come into their hands. He shall be entitled to receive the same fees for the use of the city, for like services, which sheriffs are entitled to receive, and have the same power to collect them. He and policemen deputized by him, and all others to whom the process of the police court shall be directed and come for execution, shall be bound to execute and return the same within the time prescribed by law for sheriffs to execute and return similar processes, and on their failure they and their sureties shall be liable to the same fines and penalties that sheriffs are, and also for not paying over moneys collected on execution, and for making illegal charges for false returns and other illegal acts ; and said court shall have power to hear and determine motions against them and their sureties for failure to pay over said moneys so collected, in like manner as the circuit court has power and jurisdiction to hear and determine motions against defaulting sheriffs, or to proceed by fines and imprisonment to enforce the due execution and return of process as other courts require.

§ 24. That a return of "not found" on a *capias pro fine*, and of no property found on a *hieri facias* issued on judgments in the said court, shall authorize an attachment out of chancery in favor of the Commonwealth or the city against the choses in action and effects of the defendant or defendants in the same manner that the return of no property authorizes an attachment on judgments in the circuit court.

§ 25. That in the absence of the police judge of the city at any session of the police court, or if in any case it may not be proper for him to sit, the mayor of the city may act in his stead, and in the absence of

Attachment—
when "not
found" or "no
property" re-
turned.

When may or
may not act
as police judge.

both the police judge and the mayor, or if in any case it may not be proper for either of them to sit, the members of the bar present may elect one of their number to act as police judge *pro tempore*, and the mayor or such person so selected, as the case may be, shall have the same judicial authority and exercise the same judicial powers, for the time being, as are possessed and exercised by the police judge under this act. Such *pro tempore* judge shall be paid the same salary for the time he acts as is allowed by law to the regular judge, to be deducted from the salary of such regular judge.

Office of city
solicitor may
be abolished.

§ 26. By ordinance the general council may provide that the office of city solicitor shall be abolished, and thereupon the duties of the city solicitor shall be performed by the city attorney.

City engineer to
be elected.

§ 27. There shall be elected by the qualified voters of the city, a city engineer, who shall hold his office for four years, and until his successor is elected and qualified. He shall be not less than twenty-five years of age and an elector of the city. His duties and salary shall be such as the general council may prescribe by ordinance; the general council may, before he enters upon the discharge of his duties, require that he shall obtain a certificate of competency in all branches of civil engineering relating to the duties of his office, from three expert civil engineers, selected by the general council.

City jailer to be
elected.

§ 28. There shall be elected by the qualified voters of the city a city jailer, who shall be not less than twenty-five years of age and an elector of the city. He shall hold his office for four years and until his successor is elected and qualified. He shall perform such duties and receive such compensation as the general council may by ordinance prescribe.

ARTICLE VII.

Elections.

§ 1. All offices created by laws in force prior to this ^{Elections.} act taking effect, not herein expressly provided for, shall be, and they are hereby, abolished upon the expiration of the terms for which present incumbents may have been respectively elected; but the general council shall have power, by ordinance, to recreate such of said offices, and to prescribe the terms and duties thereof, as may be needed to effect the corporate purposes. At the regular election in one thousand eight hundred and ninety-five, and every four years thereafter, there shall be elected by the qualified voters of the city a mayor, city clerk, city treasurer, city attorney, city solicitor, if there be such officer, and civil engineer and assessor and city jailer, who shall hold office for a period of four years, and until their successors are elected and qualified; also members of the board of aldermen and members of the board of councilmen, who shall hold office as herein-after provided, and until their successors are elected and qualified. At the general election in one thousand eight hundred and ninety-seven, and every four years thereafter, there shall be elected a judge of the police court. All officers elected under this act shall assume the duties of their several offices on the first Monday in January succeeding their election. The members of the general council elected in one thousand eight hundred and ninety-five shall hold their offices, one-half of them for one year, and one-half of them for two years, as shall be determined by lot at their first meeting after election; and every year thereafter shall be elected for two years, as the term of the incumbent shall expire; and said lot shall be so arranged that not less than one member of said board of councilmen shall be elected from each ward in the city each year. At said election all male inhabitants of the city shall be entitled to vote who are twenty-one years of age and

over, who are at the time citizens of the State of Kentucky and *bona fide* residents of the city for six months previous to said election, and of the precinct in which he offers to vote for sixty days preceding said election, and shall have registered as a voter under the general law regulating registration. All votes shall be cast by secret ballot in such manner and form as may be prescribed, and all contested elections shall be tried as provided by general law for the election of State officers.

§ 2. No person shall become a candidate for civil engineer who has not been a resident of the city for one year, not less than twenty-five years of age, and until he shall have obtained a certificate of his competency from a board of three expert civil engineers, to be selected by the general council.

ARTICLE VIII.

Revenue and Taxation.

Revenue and taxation.

§ 1. Each city shall raise a revenue from ad valorem taxes, and to that end the general council of each city is hereby authorized and empowered to provide each year, by ordinance, for the assessment of all real and personal estate within the corporate limits thereof, subject to taxation for State purposes, and shall levy an ad valorem tax on same, not exceeding the rate and limit prescribed in the Constitution; and may levy a poll-tax not exceeding one dollar and fifty cents on each adult male inhabitant thereof, and may impose fees on stock used for breeding purposes, on franchises, trades, occupations and professions, and provide for the collection thereof.

Taxes to be levied by ordinance.

§ 2. All taxes and license fees shall be levied or imposed by ordinance, and the purpose or purposes for which the same are levied or imposed shall be specified therein, and the revenue therefrom shall be expended for no other purpose than that for which it is collected. Ordinances levying taxes or imposing

license fees shall distinctly specify the purpose or ^{Ordinance shall specify purposes} several purposes for which the same are levied ; failure to do so shall render the ordinance invalid, and if it shall, the officer or officers, agents or employes, who could, by a refusal to act, have prevented the expenditure, and the members of the general council who voted for the expenditure, shall be jointly and severally responsible and bound to the city for the amount of such expenditure. And it may be recovered of them in an action upon the bonds of those having them, or personally against any or all of them ; and it shall be the duty of the city solicitor to institute and prosecute to recovery such actions ; and if he fails to do so for six months after he shall have knowledge of the same, any person may institute the action, and shall have one-half of the recovery. A recovery hereunder shall not militate against the criminal prosecution herein elsewhere provided.

§ 3. The fiscal year shall end at twelve o'clock at ^{Fiscal year.} night on the thirty-first of December of each year. All property shall be assessed as of the fifteenth of September in each year, and there shall exist from that day a lien on all property subject to taxation to the city for the ad valorem taxes for the fiscal year commencing on the first day of January next ensuing, including all penalties and interest that may be added thereto or accrued thereon, superior to all other liens, incumbrances and interest.

§ 4. An assessor shall be elected by the qualified ^{Assessor to be elected.} voters of the city for the term of four years. No person shall be elected assessor who, at the time of his election, is not thirty years of age, a housekeeper in the city and a voter therein. Deputy assessors may ^{Deputy assessors.} be appointed by the assessor, with the approval of the general council, but may be removed at any time by the assessor. The assessor and his deputies shall ^{Oath and bond of assessors.} qualify by taking the constitutional oath, and giving such bond as may, by ordinance, be required, and

Penalties.

shall receive such salary as the general council by ordinance shall fix. Any assessor or deputy assessor who shall knowingly fail to assess any property, real or personal, subject to assessment for city taxation, shall be guilty of a misdemeanor, and, on conviction thereof in the circuit court, shall be fined not less than one hundred dollars, nor more than one thousand dollars, and shall forfeit his place, and shall not be re-elected or reappointed thereto again until after the lapse of five years. Any assessor who shall fail to assess any lot or parcel of ground in the city shown on the plat books in the auditor's office, subject to taxation by the city, shall, on conviction thereof before the circuit court, be fined a sum equal to the taxes on said lot or parcel for the year, and one hundred dollars.

Assessment of real estate.

§ 5. As of September fifteenth, one thousand eight hundred and ninety-five, and every year thereafter, all the real estate in the city shall be assessed at its fair cash value, estimated at a fair voluntary sale.

Assessor to give public notice.

§ 6. On or before the first day of September in each year the assessor shall give public notice, by advertisement in the official newspaper of the city, and by hand-bills posted through the city, that all persons owning or having in their possession or under their control as agent, guardian, committee, executor, administrator, curator, trustee, receiver, commissioner or otherwise, tangible or intangible personal property on the fifteenth day of September following, are required, on or before the first day of October, to give him a true and complete list of the same, with true cash value thereof, as of the fifteenth day of September, under oath, upon forms to be furnished on application by said assessor at his office, and that all merchants in the city, doing business for themselves or others, shall, in like manner, in addition thereto, state the highest amount in value of all goods, wares, merchandise owned or kept on hand for sale by said merchants during the three months next preceding

such fifteenth day of September. The assessor and his deputies shall be authorized to administer oaths and affirmations, and may examine on oath any person touching his personal property, and the value thereof, and may examine merchants on oath as to the statements they are required to make. The <sup>Assessor may ad-
minister oath.</sup> ^{Office hours.} assessor shall keep his office open, and be himself or have a deputy in attendance during the hours from eight A. M. to six P. M., or such other or additional hours as may by ordinance be fixed, from the fifteenth day of September to and including the first day of October, excepting Sundays and legal holidays. The <sup>Blanks to be
furnished.</sup> assessor shall constantly keep on hand, and furnish to persons lawfully requiring the same, all necessary blanks and forms for the lists and statements required by this act. Nothing herein shall, however, prevent the assessor from assessing, from the best information he can gather; and where an assessment has been made against a person who has had actual notice to appear and list his property or make statements thereof and fails to do so, the same shall not be decreased, but may be increased by the Board of Equalization. If any person refuse to attend when summoned, or to be sworn to answer or to answer any question propounded to him by the assessor or his deputy, the assessor or deputy may, in writing, under oath, state the question, the refusal to answer it, and ask the police judge to issue a warrant against such person; and if the question appear to be a proper one, the said judge shall issue a warrant, and the said person shall, on conviction of having refused to answer the question, it being found by the court to be a proper one, be fined ten dollars, and there compelled by process of contempt to answer the question and such proper questions as the assessor may propound to him. The assessor shall assess personal property in a separate book, in which he shall separate tangible from intangible property. The word person as used herein shall mean natural and artificial persons, and the du-

<sup>Penalty for not
answering ques-
tions or giving
list of property.</sup>

ties enjoined on them shall, in the case of artificial persons, be performed by the chief officer or agent in the city at the time. Whenever the assessor shall ascertain that there has, in any former year or years, been any property omitted which should have been taxed, he shall assess the same against the person who should have been assessed with it, if living, if not, against his representative.

Assessment
books to be
returned to
auditor.

§ 7. On or before the first of December in each year the assessor shall return to the auditor his assessment books, certified by him to be a full, careful and honest assessment of all property within the corporate limits of the city subject to assessment; and he shall take the auditor's receipt therefor in duplicate, one of which he shall transmit to each board of the general council at its first regular meeting in December. All said books and said reports shall remain in the auditor's office, subject to the inspection of the public until they shall be transmitted to the Board of Equalization as hereinafter provided.

Board of Equali-
zation.

§ 8. There shall be a board of equalization, to consist of three citizens, who shall be selected by the mayor or with the consent of the general council. No person shall be selected as a member of said board who shall not at the time be a housekeeper and owner of real estate of the city, and shall not have been a resident thereof for five years next preceding his election. Said board shall be paid such compensation as may, by ordinance, be fixed, and shall meet at a suitable place to be provided by the city, on the first Monday in January of each year. They shall first be duly sworn to faithfully discharge their duties, shall elect from among themselves a chairman and a clerk, and shall then notify the auditor that they are ready to receive the assessment books, etc., which the auditor shall deliver to them, taking his receipt therefor. The assessor shall be in constant attendance on said board, and shall furnish them all information he can. They shall have power to cause all city records to be brought

to them for their inspection by the custodian thereof, and if it be necessary to retain them for defense, may do so by receipting therefor to the custodian thereof. They may also interrogate any city official, who shall at their request attend them and respond to all questions. They shall each have power to administer oaths, and they shall have power to compel the attendance of witnesses; and all persons who shall refuse to attend them or to be sworn by them, or refuse to answer any question, shall be subject to the same penalties as provided for like refusal to the assessor. They shall first compare his real estate book with the plat books in the auditor's office, and see that every parcel of real estate in the city has been assessed, and if they find that any has been omitted, shall certify the same, giving the number of parcels omitted to the city solicitor, who shall enforce the penalty provided in section four against the assessor for so doing, and they shall assess the parcels omitted. They shall hear all complaints against the assessment made by the assessor, and shall determine the same. They shall increase or decrease assessments on like property, to make all assessments as uniform as may be, or to place a true value on the property assessed; but no increase shall be made without notice to the person whose property is to be increased, and they may, in the assessment of real estate, increase or decrease all assessments uniformly by adding or subtracting a percentage of the assessments, and a notice of such increase need not be given except by publication in the official paper of the city. Said board shall remain in session as long as the business may require, but not to exceed four weeks. Three members shall constitute a quorum, and a majority of a quorum may determine any question before it. No change in any assessment shall be made by erasure, but there shall be appropriate columns for all changes and additions, and same shall be made in a different colored ink to that which the assessor has used.

When said board shall have completed its labors, it shall prepare a statement of the gross assessment of real property and the gross assessment of personal property, and the sum thereof, and also showing the increase or decrease, if any, in the total assessment made by them, under their signatures, which they shall return to the auditor with all the assessment books, plats and papers received from him, taking his receipt for the same, which they shall transmit to the board of councilmen.

Auditor to verify statement of board of equalization. § 9. The auditor shall carefully verify the statement of the board of equalization, and the assessment books returned, and if it be correct, he shall certify the same.

If, however, he finds a mistake, he shall cause said equalization board to meet, and together they shall ascertain the correct amount, and the certificate of the board, indorsed by the auditor as correct, shall by him, at the first meeting in March in each year, be transmitted to the board of councilmen as a basis on which they shall predicate the annual levy ordinance.

Council to pass ordinance levying tax § 10. In the month of March of each year the general council shall pass an ordinance levying and providing for the collection of an ad valorem tax on the assessed valuation of the property in said city as certified to them, which, with the estimated revenue from other sources, shall be sufficient to meet the anticipated expenditures for the current year; and said ordinance shall specifically fix the rate of taxation for each item of expenditure, and shall also apportion all other estimated revenue to such items of expenditure as they may determine.

When taxes are due and payable. § 11. Ad valorem taxes shall be due and payable, without demand therefor, at the treasurer's office, one-half each on the first of June and the first of December in each year, but the whole tax for the year may be paid on or after the first day of June. Tax-bills not paid within one calendar month after they are due shall have added to them a penalty of

ten per centum on the amount thereof, and shall bear interest at the rate of six per centum per annum.

§ 12. As soon as the tax levy ordinance becomes a law, the auditor shall deliver the assessment books to the city clerk, who shall from them make out tax-bills.

Said bills shall show each lot, the assessment thereon, and the tax separately, shall give the name of the supposed owner, and shall give the net total assessment of personal property against said person and the tax thereon; and shall be so arranged that the items of the tax on the real estate can be detached from the items of tax on the personal property, and that each half-year may be detached and have each part intelligible. There shall be a stub to each bill, which shall show in condensed form the items and amounts in the bill, and the bills and stubs shall be numbered consecutively; the stub to correspond to the bill to which it is attached. Bills and stubs to be bound in book form. On or before the first day of May in each year the clerk shall deliver the assessment books and tax-bills, fully made out, to the auditor, and together they shall ascertain whether the sum of the tax-bills equals the amount of tax which, at the rate fixed, the total assessment should realize, and if it does not, they shall find and arrest the error. When the two agree, the auditor shall receipt for the assessment books and tax-bills. On or before the twentieth day of May in each year the auditor shall deliver all tax-bills to the treasurer, and take his receipt for the gross amount of them.

§ 13. On the first Monday in the third calendar month after each half-year's bill is due, the treasurer shall tear the same out of the book and return them to the auditor, taking his receipt therefor; and when he returns the second half-year's bills, he shall make a full and complete settlement with the auditor, and when the same is approved by the general council, receive his quietus for ad valorem taxes for the year. The treasurer shall always note on the stub of the bill

Auditor to deliver assessment books to city clerk.

City clerk to return tax-bills to auditor.

City treasurer to return unpaid tax-bills to auditor.

the amount paid on same, when paid, and date thereof, and if returned to the auditor, that fact. When any person shall desire to pay taxes on any one item of a tax-bill, the bill shall be torn out, returned to the auditor, who shall make out as many bills as may be necessary to enable the payment desired to be made, and to supply the bill returned. On the stub of the bill returned shall be marked "divided," with the numbers of the substituted bills, and the substituted bills shall be made out on blank bills to be left at the end of the tax-bill books for that purpose.

§ 14. When the treasurer shall return the tax-bills to the auditor, the auditor shall separate the personalty bills from the realty bills. The former he shall deliver to the delinquent tax-collector, taking his receipt for the same.

Auditor to separate tax-bills and deliver to delinquent tax collector. From the latter he shall make out a list, giving block and lot numbers and total tax due, and a notice that the treasurer will, on the first Monday in the next month, sell at the court-house or city building door in the city, at public auction, to the highest bidder for cash, each of said tax-bills, unless they are in the meantime paid to the treasurer. This list and notice shall be published for at least two weeks in the city's official paper. The auditor will then return the realty bills to the treasurer, who will, on said day, offer for sale, as advertised, such bills as may remain in his hands unpaid. If no one will offer the face of said bills for them, he shall buy them in for the city. The owner or owners of any lot, the tax-bill on which has been so sold, shall have the privilege of redeeming the same within one year of the day of sale by paying to the treasurer the said bill, with all penalties and interest as herein provided to the day of payment. Purchasers at said sale shall not receive the tax-bills, but shall receive certificates for their purchase, on surrender of which certificate, at any time after the treasurer has been paid the bill named in the certificate, he shall receive from the treasurer the amount paid, and on surrender at the

Sale for taxes.

end of the year, shall receive the bill with the year's interest at six per centum per annum, and ten per centum of the sum of the bill, penalty and interest all added by the treasurer; and he may at any time thereafter, in appropriate action, enforce the lien on the property for the full amount of the bill, with legal interest from date of delivery to him. The treasurer shall make a full and complete report of said sale to the auditor. The city shall in no manner be responsible to purchasers for money received by the treasurer on bills purchased by them, but the treasurer and his official bond shall be held for the same. Tax-bills for the succeeding year against property or persons delinquent for preceding years shall be stamped, "see delinquent bills," so that attention may be called thereto; and where the city owns the delinquent bill, the treasurer shall credit the money paid first to those bills, except he will not credit money offered on a realty bill to a personality bill. When the city shall buy in the tax-bills the city solicitor shall, by proper proceedings in the name of the city in the circuit court, enforce the lien on the property for the city. Tax-bills shall be *prima facie* evidence of the regularity of the assessments and levy of the tax, and of the addition of penalties thereto. Any purchaser of tax-bills may, as soon as any tax, State, county, district or city, on the lot named in the bill becomes delinquent, pay the same, and he may, in his original or in an amended petition, exhibit the same and have judgment including same. The circuit court shall have jurisdiction of proceedings to enforce lien for all taxes without regard to amount of same.

§ 15. The general council may, in the month of December, for a term of two years, in joint session, elect a delinquent tax collector, who shall have the same qualification as the treasurer. His duties, bond and compensation, which may be by fees, shall be or may be fixed by ordinance, or the general council may

Election of delinquent tax collector.

authorize, by ordinance, the city solicitor to act as delinquent tax collector, upon execution of such bond as may be required. In the collection of tax-bills placed in his hand for collection, the collector may distrain the goods and chattels owned by, or in the rightful possession of, the person from whom the tax is due, notwithstanding the existence of any lien upon the same, and may proceed to sell, for cash, the title of such persons to so much thereof as will pay the tax due and cost of sale, after first advertising the sale as constables are required to do in sales under execution; the cost of said sale shall be two dollars for the benefit of the tax collector. He shall have the power to sue out, in any justice's court in the county, an attachment on said tax-bills, and the proceedings shall be same as attachment proceedings for the collection of State taxes. He shall make daily reports to the auditor of collections, giving to him a duplicate receipt from the treasury for the collections, and he shall make a settlement with the auditor whenever demanded.

§ 16. The general council may, at any time, by ordinance, modify, alter or change the manner of assessment of property for taxation, and the levy and collection of taxes as herein provided, and may prescribe, by ordinance, in what manner and form property shall be assessed for taxation, and taxes levied and collected thereon. No such ordinance, however, shall be valid, unless two-thirds of the members-elect to each board shall, on a call of the yeas and nays entered of record, vote therefor.

*Council may
modify or change
manner of assess-
ments, &c.

ARTICLE IX.

Sinking Fund.

§ 1. The mayor and president of the board of aldermen, and president of the board of councilmen, shall constitute the commissioners of the sinking fund. It shall be their duty to see that at all times the proper amount of money to pay the principal and interest of

Sinking fund.

the bonded indebtedness of the city, as such may mature, is provided in due time, and preserved exclusively for the payment of said liabilities.

§ 2. It shall be the duty of the general council to ^{Tax for sinking fund purposes.} levy annually a tax for sinking fund purposes upon all property returned by the board of equalization as subject to taxation for municipal purposes, sufficient in amount to pay interest on the bonded indebtedness of the city, and which, by accumulation, shall be sufficient to pay the principal of such indebtedness as it may mature.

§ 3. All money, bonds and securities belonging to <sup>Money, &c.—
how kept.</sup> the sinking fund shall be kept in a separate account, and such money, bonds and securities shall only be paid out or disposed of by the order of commissioners of the sinking fund, and in case of money upon a warrant signed by the city clerk, countersigned by the auditor and approved by the mayor.

§ 4. Said commissioners shall make monthly reports <sup>Monthly reports
to be made</sup> to the general council, showing the exact condition of the sinking fund and its requirements, and shall see that the auditor, before the beginning of each fiscal year, carefully and fully reports to the general council all bonds and interests which will mature and be payable during such fiscal year, and shall further see that the auditor reports to the general council, at each monthly meeting, any and all debts of the city which will mature and become payable during the ensuing month.

§ 5. Said commissioners are required, whenever there shall be an accumulation of money in the sinking fund over and above the amount required for promptly meeting the interest on the bonded indebtedness of the city, to redeem or purchase the bonds of the city at a price not exceeding the market value thereof, and such redeemed or purchased bonds shall be reported to general council and canceled, and a correct record of same, with date of cancellation, preserved in the office of the auditor. ^{Redemption of bonds.}

§ 6. Whenever any city bonds or coupons shall have been paid by said commissioners of the sinking fund, they shall cause the auditor to report the same to the general council, who shall thereupon cancel the same, and the auditor shall keep a correct record thereof, together with the date of cancellation.

Cancellation of bonds redeemed.

ARTICLE X.

General Provisions.

§ 1. All ordinances, regulations and resolutions in Ordinances, &c., not inconsistent herewith to remain in force. force at the time this act takes effect, and not inconsistent with the provisions thereof, shall remain and be in force until altered, modified or repealed by the general council.

§ 2. The repeal of any law by the provisions of this act shall not in anywise be so construed as to affect any right or liability acquired or accrued thereunder, by or on the part of the city, or any person or body-corporate; and this act shall not in any manner affect any right, lien or liability accrued, established or subsisting under and by virtue of previous charters or amendments thereto or ordinances passed thereunder; but such right, lien or liability shall be enforced and such action or proceeding shall be carried on in all respects as if this act had not taken effect; nor shall this act be in anywise so construed as to affect the right or liability acquired or accrued under previous charters or amendments thereto or ordinances passed thereunder, on the part of the city or any person or body-corporate.

§ 3. All rights of action, fines, penalties and forfeitures accrued to the city before this act goes into effect remain unaffected thereby, and may be prosecuted, recovered and received as fully, in every respect, as if this act had not taken effect.

Rights of actions, &c., not to be affected.

§ 4. All ordinances for the opening of any street or Ordinances regarding streets, &c., repealed or continued in force. alley on which proceedings or work have not commenced are hereby repealed; but all such ordinances

upon which proceedings and work have actually commenced shall be conducted under the law in force when it was commenced.

§ 5. All members of municipal boards, and all officers authorized by this act to be appointed by the mayor, may be appointed as soon as this act takes effect, and their terms of office shall begin from date of their appointment.

§ 6. Executive, judicial and ministerial officers of the city, unless otherwise herein provided, shall be removable by the board of aldermen, sitting as a court under oath or affirmation upon charges preferred by the mayor or any two members of the board of councilmen; and in case of the mayor, upon charges preferred by the board of councilmen; no person so tried shall be removed from office without the concurrence of two-thirds of the aldermen-elect; and when a person has been removed from office, he shall be ineligible thereto during the time for which he has been elected.

§ 7. The mayor, each member of the general council, chief of police, and all police officers, shall be conservators of the peace; and shall have and exercise such powers as conservators of the peace as may be prescribed by ordinance or general law.

§ 8. In case any elective or appointive officer of the city shall be necessarily absent from the city, or unable from sickness or other cause to discharge the duties of his office, the mayor may fill such office temporarily by appointment, and said appointee shall hold and discharge the duties of the officer whose place may be thus temporarily filled, until such officer shall return or become fit for and enter on duty. Officers thus temporarily appointed shall qualify and give bond, if so required by ordinance.

§ 9. In the event of the absence or disability of the mayor, the president of the board of aldermen shall act as mayor, and in the event of the absence or disability of both the mayor and the president of the

Officers and
others to be
appointed
by mayor
may be ap-
pointed at once.

Officers—how
removed.

Mayor and
others conser-
vators of the
peace.

Temporary ap-
pointment of
officers.

Who may act as
mayor.

board of aldermen, the president of the board of councilmen shall act as mayor.

Who may be elected to office. § 10. No person shall be elected by the people to any office in the city who is not an elector of the city, and who has not been an actual resident of the city for one year immediately preceding his election ; and they shall reside within the city limits during their continuance in office, and if any of them shall cease to reside within the said limits, his office shall be thereby vacated.

City officers not to be interested in contracts with city. § 11. If any city officer shall be directly or indirectly interested in any contract with the city, or in any work done by the city, or in furnishing supplies for the city or any of its institutions, or in the sale of any property to or for the city, he shall be guilty of a misdemeanor, and any appointed officer becoming so interested shall be immediately dismissed from office by the mayor ; and upon the mayor becoming satisfied that an elective officer is so interested, and reports the facts to the board of aldermen, that board of aldermen shall, as soon as practicable, convene to hear and determine the same, and if, by a two-thirds vote of the members-elect of the said board, he be found so interested, he shall be immediately dismissed from such office.

Taking of bribes, fee or rewards forbidden.

§ 12. If any person shall pay, give, deliver, promise or offer to any member of the general council, or any other officer of the city, or any member of any of the municipal boards, any money, property or other thing of value whatever for the purpose of inducing such member or officers to do, or to abstain from doing, any act or thing in the line of or connected with his official duty, or if any member of the general council, or any other officer of the city, or member of any of the municipal boards, shall, directly or indirectly, solicit, receive or accept any bribe, compensation, fee or reward for doing, or abstaining from doing, any act or thing connected with his duty as such officer, member of the general council or member of a municipi-

pal board, or shall be in any way, or to any extent, directly or indirectly, interested in any contract with the city or any of its departments, or shall, in any way, by himself or another for his benefit, directly or indirectly, solicit or receive any share, profit, compensation or reward for or growing out of any contract with the city or any of its departments, or for or on account of any article, thing, labor or service furnished or sold to the city or any of its departments, he shall, upon conviction, under indictment, be confined in the penitentiary not less than one and not more than five years; and upon such conviction the office of any such member or officer shall be *ipso facto* vacant.

§ 13. For the purpose of putting into effect this act as speedily as possible, the mayor of the city is hereby authorized to fill by appointment all offices hereby es-

Mayer authorized to appoint officers for putting into effect this act.

tablished, and which have not heretofore existed in a city of the second class, until such officers can be elected as herein provided; and the officers so appointed shall be clothed with the power and required to perform the duties of their respective office, as is in this act provided, until their successors shall be elected and qualified. In any city of the second class, where the duties herein provided for the auditor have been performed by an officer known as auditor and assessor, and wherein such officer was elected at the regular election in one thousand eight hundred and ninety-three, such officer shall no longer perform the duties of auditor, but he shall continue until the regular election in one thousand eight hundred and ninety-five, and perform the duties herein prescribed, with the assistance of such deputies as may be selected by the general council as assessor.

§ 14. When, under laws heretofore enacted, the question of constructing or doing any public work or improvement has been submitted to popular vote in any city of the second class, and the decision upon such submission was in the affirmative, then any tax-

Construction of streets heretofore ordered.

payer may, by mandamus, compel the authorities and officers of such city to proceed with the construction and doing of said work or improvement; and may so compel the doing of all acts, proceedings and things that may be necessary or proper and permitted by any law heretofore enacted which is applicable or by this law, in order to construct, do and complete said work or improvement, and also to provide funds therefor, in such manner and by such means as may be authorized by law. And such public work or improvement shall be done and constructed; the passage of this act, or anything herein contained, to the contrary notwithstanding.

Public school
library.

§ 15. That as soon as a sufficient fund for that purpose shall be accumulated under the provisions of this act, augmented by private contributions or otherwise, there shall be established and maintained, in connection with the public school system of the city, and as a part of it, a public library, which shall, under proper regulations established by the general council, be under the direction, custody and control of the school board. Said library shall at all reasonable times, and under reasonable directions, be open to the pupils of the public schools of such age and grade as may be fixed in the regulations of the school board, and shall, in like manner, be open and forever free to the public during reasonable and proper hours of the day, and until at least nine o'clock of the evening; but said library may be closed on Sunday if deemed proper. When there is already established in the city a public library, the school board, under the authority of the general council, may enter into an arrangement with the person, association or corporation owning and controlling such library whereby such library may be transferred or leased to the school board for a time or in perpetuity, or united with that established by the city under the provisions of this act, and in execution of this purpose the school board may appropriate and expend, with the approval of the general council, the

funds coming to their hands under the provisions of this section: *Provided, however,* That the library so leased, purchased, acquired, united with or established, shall be free to the pupils of the public schools and to the general public, and that said library shall be strictly non-sectarian, and so conducted. That in aid of the establishment and maintenance of such free public library, there is hereby appropriated, and the general council shall direct to be paid over to the school board annually, or at more frequent periods, one per centum of the net amount of the tax levied and collected by the city for school purposes, and one-half of the net amount of all fines and costs collected in the police court: *Provided,* Said one-half of fines and costs so appropriated to said library fund shall not exceed five thousand dollars per annum.

§ 16. Whenever ordered so to do by the mayor, the Mayor may direct auditor to examine records of police court and justices of peace. auditor shall examine the records and proceedings of the police court, and of courts of justices of the peace in the city, and ascertain and report to the mayor all costs, fees, fines, moneys due upon judgments or replevin bonds, or other moneys that may be due to the city, and the mayor shall see that such steps are taken and proceedings had as may be necessary to have collected and paid into the treasury all such costs, fees, fines, moneys due upon judgments or replevin bonds, or other moneys that may be due to the city, or that may have been collected by any officer or person and not paid into the treasury.

ARTICLE IX.

Public Schools.

§ 1. There shall be maintained a system of public schools at which all children who are *bona fide* residents of the city between the ages of six and twenty years may be taught at the public expense, and schools may be opened as a part of said system to teach children who may attend.

Board of education.

Their powers, duties, &c.

drren of the ages of four, five and six years, by the kindergarten method. Said schools shall be under the control of a board, to be styled the board of education, consisting of two trustees from each ward in the city, to be elected, however, by the qualified voters at large of the city. Said board of education shall continue, and they are hereby declared, a body-politic and corporate, under the name and style of "Board of Education," with perpetual succession; and by that name may contract and be contracted with, sue and be sued, have and use a corporate seal, the same to alter or renew at pleasure; may purchase, receive, hold, lease and dispose of real and personal estate for public school purposes. The control and management of the public schools of the city, and the property and funds thereunto belonging, shall be, and is hereby, vested in said board subject to the provisions of this act. They shall have power to make by-laws and rules, not in conflict herewith, necessary for the discharge of their duties and the government of their proceedings. They shall meet once in each month, or oftener, if necessary, but it shall require a majority of the members-elect of said board to constitute a quorum for the transaction of business, and for the appropriation of money or the execution of a contract; the concurrence of a majority of the members-elect of said board shall be indispensable, and upon a call for the yeas and nays, to be entered of record. The meetings of said board shall be held in some public place, and a correct record of their proceedings shall be kept in a book provided for that purpose, which shall be a public record, and open to inspection by any officer or citizen of the city.

§ 2. Said board of education shall determine for itself the qualification and election of its members. They shall have the power to fill, until the next general election, all vacancies in said board occasioned by death, removal, or otherwise, and all returns of election shall be made to the clerk of said board, who,

by direction of the board, shall issue certificates of election.

§ 3. All the property now used for public school purposes in the city, or which may, at any time, be owned by the board of education, and all the funds or means that may, at any time, come under the control of same, are hereby forever dedicated to the purpose of public schools of the city, and the title to all property, real and personal, and the property itself, in the city, known and used as public school property, are hereby vested in said corporation, and the same shall forever remain free from any debt or liability of the city, and free from any city or State taxation.

§ 4. Said board shall have power to elect and appoint such superintendent, principals and teachers as they may deem necessary for the public school, regulate and fix their salaries, and may, at any time, suspend or remove them, or any of them, by a vote of two-thirds of the members-elect of the board. Said board may purchase, build or rent any ground, building or buildings necessary or convenient for public school purposes, and may make contracts to that end; and any property so leased, purchased or otherwise occupied, may be reserved by terms, deed or lease to the public schools of the city, and, if so reserved, shall not be liable for any debt or debts of the city not incurred for public school purposes. Said board may also receive and hold to public school purposes any gift or devise.

§ 5. Said board shall prescribe the branches of education to be taught, the necessary qualifications, the mode of examination, and the number of teachers to be annually admitted to each school. They shall fix the boundaries of the districts within which children shall be admitted to each school; but the majority of said board may permit children residing in one district to attend school in another. They may establish high schools and fix a grade of public schools, and prescribe the rules by which pupils may pass from one

What property
and funds dedi-
cated to school
purposes.

Appointment of
superintendent
and teachers.

Board of educa-
tion shall pre-
scribe branches
to be taught.

grade to another, and from the graded to the high school.

§ 6. All children entitled shall have equal rights of admission to and benefits of said school, wherein no catechism or other form of religious belief shall be taught or inculcated ; nor shall any class-book be used therein which reflects upon any religious denomination or sect ; neither shall any of said schools be so conducted as to interfere with the religious faith or creed of either parents or pupils.

No catechism or religious belief to be taught.

§ 7. Said board shall, at the end of each scholastic year, prepare and cause to be published a printed statement showing the number of admissions in, expulsions from, and present number of pupils in each school, with the general condition and the educational progress made therein ; the amount, character and condition of all funds and other property belonging to said schools, together with such other information as may be proper and necessary for the benefit of said schools and the general public.

Report of board of education at close of scholastic year.

§ 8. Said board shall annually, in the month of January, approximately ascertain the amount of money necessary to be used and defray the expenses of maintaining the schools, improving or constructing of buildings, and so forth, thereof, and any liquidations of the liabilities during the current fiscal year, and report the same, together with the amount to be received from the common school fund of the State of Kentucky (which amount the board shall ascertain by taking the census required by law) to the Auditor, and thereupon the general council shall, at the request of said board, levy and collect such taxes as may be requested, and the money arising from said levy shall, under the direction and control of said board, be used for the benefit of the common schools and for the purpose of paying off the indebtedness of said board : *Provided*, That said levy shall not in any one year exceed thirty-five cents on each one hundred dollars valuation, as returned by the board

The board shall annually ascertain of money necessary to be used, &c., and shall levy tax.

of equalization on all taxable property in the city: *And provided further*, That this act shall not be so construed as to prevent said board from receiving and expending any sum or sums that may come to them by gift, devise or any law of the State. The tax-bills ^{Taxes—how collected.} for all taxes levied by the general council for the public schools shall be made out by the city clerk and included in the tax-bills containing the ordinary levy, and shall be collected with the same, by the same officers, and in the same manner that the ordinary levies are collected by the collecting officer, and the powers and duties conferred and required of officers in collecting the ordinary city taxes are hereby conferred and required of them in collecting the taxes levied for said public schools, and such collecting officer and his sureties shall be liable under his official bond for any failure to perform his duties, upon which bond suit may be brought for the use of said board and recovery had for such amount as shall be found due thereon. All such sums of money, when collected and paid into the city treasury, shall be set apart to and passed over to the common school fund subject to and drawn out only by the order of said board, as provided by law and ordinances of the said board then existing.

§ 9. Said board shall have power to admit to said schools pupils from beyond the limits of the city, and may collect therefrom tuition fees for the benefit of the school fund of the city, and no children or persons residing beyond said limits shall be admitted as pupils in any of said schools except on payment of such tuition fees as said board may require. Said board ^{When and how.} may elect or appoint such employes as they may deem necessary, and shall prescribe and fix the compensation of each, and may dismiss the same at pleasure.

§ 10. Said board may appoint a board of examiners, ^{Board shall appoint board of examiners to examine applicants for superintendent and teachers.} to consist of not less than two nor more than five competent persons, whose duty it shall be, together with the superintendent, to examine, under such rules

and regulations as may be prescribed by the board, into the qualifications of all applicants for a position as superintendent, principal or teacher of said schools: *Provided*, That no person, other than the superintendent, shall be a member of said board of examiners who shall be employed in or connected with the public schools of the city. Said board of examiners shall receive such compensation and perform such duties as may be prescribed by said board.

§ 11. The said board of education shall provide,
White and colored schools to be separate. maintain and support separate schools wherein all colored children, who are *bona fide* residents of said city, between the ages of six and twenty years, may be taught in like manner as herein provided for white children; said colored schools shall be entitled to the same benefits, be governed by the same rules and regulations, and be subject to the same restrictions as the schools herein provided for the white children.

§ 12. No member of the board of education, or officer, or teacher, or employe thereunder, shall be, directly or indirectly, interested in any contract, with work done for or by, or furnishing of supplies, or sale of property to or for, the said board; be in arrears to it for money collected, or held, without a quietus therefor; have been convicted of malfeasance in office, bribery or other corrupt practice, or crime, or hold any office or employment, in any company or corporation which has been, or is an applicant for any contract with said board (stockholders in such companies or corporations are not, however, herein included); but they shall not vote on, or interfere, directly or indirectly, with any matter or question affecting such company or corporation, in any manner whatever, other than common with the general public, nor use his official position to secure the patronage of the teachers or employes of said board. Any person violating the provisions of this section shall be guilty of a misdemeanor, and shall forfeit his office or

No member of board shall be interested in any contract in which school is interested.

position, and be ineligible to be a member of, or hold any office or employment under, said board.

§ 13. The board shall have power to establish and ^{Normal school.} maintain a normal school or normal training class for the purpose of training the graduates of the high school and others to be teachers in the schools of the city, and to this end it may prescribe such rules and regulations for the government of the said normal school or normal training class, and employ a principal and other teachers, as may be necessary for the maintenance of the said normal school or normal training class.

§ 14. The treasurer of the city shall be treasurer of <sup>Treasurer of city
shall be treasurer
of board of education.</sup> said board of education, and as such shall keep separate and distinct from all other funds all moneys, bonds and securities belonging to or which may hereafter be dedicated or set apart for public schools, and shall only pay out or deliver any of said funds, bonds or securities upon the warrant of said clerk, and approved by the president of the board of education, and shall perform such other duties as may be prescribed by said board.

§ 15. Said board shall have power to appoint a ^{May appoint} _{clerk.} clerk, and prescribe his duties and term of office, fix his compensation, and pay the same out of the school fund, and shall require of him bond and security, if they deem the same necessary. The proceedings of the board of education, and copies therefrom, certified by its clerk, shall be taken in the same manner, and have the same force and effect in courts and elsewhere, as are now given to the proceedings of the general council.

§ 16. Said board of education shall have exclusive control of all school funds of the city, from whatever source the same may be derived, including the *pro rata* of the city from the common school fund from the State of Kentucky. They shall have the right to receive all fines, forfeitures and taxes that may inure to the benefit of the public schools of the city. They

shall have power to expend all moneys in the interest of the public schools in the city, and the warrant of the city clerk, and approved by the president of the board, shall be honored by the treasurer to the amount of the school fund in the treasury.

§ 17. All indebtedness, bonded or otherwise, and all liabilities and contracts of the school board, existing at the time this takes effect, and all taxes, funds, sinking funds or other resources that have been pledged or set apart for the payment of the principal of the interest thereof, shall continue unimpaired, and remain of the same force and effect as though the same had been authorized and contracted by the express provision of this law, and said board may refund any debt by the issuance of bonds.

§ 18. No money shall be drawn from the fund unless the same has been appropriated by order of the board of education, and no appropriation of money shall be made to be paid out of said school fund, unless the money shall actually be in the treasury to meet the draft; and if any appropriation shall be made, and there shall be no money in the treasury at the time of the making of said appropriation with which to pay the same, the members of the board of education voting therefor shall be individually liable to any party injured for the amount of damages sustained in consequence thereof.

§ 19. At the first general election under this act, there shall be elected as members of the said board of education, two persons, to be selected from each ward of the city, but elected by the qualified voters at large of the city, subject to modifications as to the qualifications of voters herein prescribed. The one person from each ward receiving the highest number of votes for two years, and the one from each ward receiving the next highest number of votes for one year, and in case two receive the same number of votes, the time shall be decided by lot. And on the same day of each year thereafter there shall, in like manner, be elected

How money drawn from fund.

Election of members of board.

one person from each ward by the voters at large as a member of said board for two years. All persons elected under this section shall assume the duties of his office on the first Monday in January following said election. Trustees in office whose time has not expired when this act takes effect shall remain in office until their successors are elected and qualified.

§ 20. Said board of education shall elect from their own number a president for the term of two years, and may prescribe who shall preside in his absence, and make all necessary rules prescribing the duties of the presiding officer and the government of themselves. President of board.

§ 21. All votes at elections of members of said board shall be by secret ballot, and after such registration and subject to such rules and regulations as to manner of registration as may be prescribed by law for election of State officers.

§ 22. All persons possessing the qualifications required by this act to make them eligible to election as members of the board of councilmen, shall be eligible to membership in the board of education, and all persons possessing qualifications required by this act, or which may be prescribed by ordinance, in order to vote at elections for city officers, are hereby declared qualified to vote at all elections for members of the board of education, and women who may possess such other qualifications required for males, are hereby declared to be eligible as members of said board of education, and qualified to vote at any and all elections for members of said board. Who eligible as members of board.

§ 23. The officers required to hold registration for voters in cities shall provide for separate registration of men and women, and cause to be opened separate polls at which all persons desiring to vote for members of the school board shall be permitted to vote, otherwise both the registration and election shall be held according to the provisions of the general election law. Registration of voters.

§ 24. In any city of the second class, where members of the school board were elected at the general

election in one thousand eight hundred and ninety-three, such members so elected shall hold their respective offices until the regular election in one thousand eight hundred and ninety-five. In any city where no such election was held, the mayor thereof shall appoint two members of said board from each ward in the city, subject to the approval of the board of aldermen, and the board so appointed shall hold office, exercise the powers, and be subject to the regulations of this act, until the regular election in one thousand eight hundred and ninety-five.

§ 25. Because it is necessary that the cities of the second class shall have the benefit of general laws enacted in conformity to the Constitution as soon as may be, there is an emergency that this act go into immediate effect, and this act shall go into effect when approved by the Governor.

Approved March 19, 1894.

CHAPTER 101.

A N ACT to prevent the spread of a disease known as the "black knot" in plum, cherry and other trees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. It shall be unlawful for any person knowingly or willfully to keep any plum, cherry or other trees infected with the contagious disease or fungus known as the "black knot;" that every tree so infected is hereby declared to be a public nuisance, and no damages shall be awarded in any court in this State for entering upon premises and cutting away or severing the diseased part or parts of any tree so infected, and destroying the same, or cutting down or removing such infected tree altogether, and destroying the same, if done in accordance with the provisions of this act.

§ 2. In any county in this State in which such con-

tagious disease exists, or where there is good reason to believe it exists, or danger may be justly apprehended of its introduction, it shall be the duty of the county judge of any county, upon the application made in writing, and signed by at least three freeholders, who are residents of said county, to appoint forthwith three competent freeholders, who are residents of said county, who shall be fruit-growers of said county, as commissioners, who shall hold office during the pleasure of said county judge, and such order of appointment and of revocation shall be entered at large on the county records.

§ 3. It shall be the duty of said commissioners, within ten days after appointment as aforesaid, to file their acceptances of the same with the clerk of the county court of said county, and said clerk shall be *ex officio* clerk of said board of commissioners, and he shall keep a correct record of the proceedings of said board in a book to be provided for the purpose, and shall file and preserve all papers pertaining to the duties and actions of said commissioners, or either of them, which shall be a part of the records of said county.

§ 4. It shall be the duty of the commissioners or any one of them, upon or without complaint, whenever it comes to their notice that the disease known as the "black knot" exists, or is supposed to exist, within the limits of their county, to proceed without delay to examine the trees supposed to be infected, and if the disease is found to exist, a distinguishing mark or marks shall be placed upon that part or those parts of every tree so infected, which, in the judgment of the commissioner or commissioners, should be removed and destroyed; or if, in the judgment of such commissioner or commissioners, any tree so infected should be entirely removed and destroyed, then the trunk of such tree shall be thoroughly girdled, and a written notice given to the owner personally, or by leaving the same at his usual place of residence, or if the owner be a

non-resident, by leaving such notice with the person in charge of such trees. The notice shall contain a simple statement of the facts as found to exist, with an order to effectually remove and destroy by fire the part or parts of every tree so marked and designated, or every such tree entire which shall be so girdled, as the case may be, within ten days from the date of the notice above required. Such notice and order to be signed by the three commissioners, or any two of them.

§ 5. Whenever any person shall refuse or neglect to comply with the order mentioned in the last section, it shall become the duty of the commissioners to carry out the directions of said order, and forthwith to remove and destroy by fire every tree, or part of tree so girdled or marked as aforesaid, employing all necessary aid for that purpose, the expenses for such removal and destruction to be a charge against the county; and for the purpose of such removal and destruction, the said commissioners, their agents and employes, shall have the right and authority to enter upon any and all premises within their county.

§ 6. If any owner, or if such owner be a non-resident, then, if any person in charge of such trees neglects to remove and destroy by fire every tree, or part of tree so found to be infected, and marked or girdled as aforesaid, after notification, and within the time hereinbefore prescribed, such person shall be guilty of a misdemeanor, and punished by a fine not exceeding twenty-five dollars, or by imprisonment in the county jail not exceeding ten days, or both, in the discretion of the court; and any justice of the peace of the county in which such offense shall be committed shall have jurisdiction thereof, and all such fines so collected shall be turned over to the treasurer of said county, or other proper officer, to be designated by said county judge, to be held by him subject to the order of said court.

§ 7. The commissioners shall be allowed for services

der this act two dollars each for each full day and a dollar each for one half day, and other reasonable charges and disbursements hereunder, to be audited well as any other charges and disbursements under this act by said county judge, to be paid to such commissioners as other county claims are paid. Such charges and all reasonable charges and disbursements of said commissioners in each case may be recovered by the county in its own name from the owner of the diseased trees on account of which such fees, charges and disbursements became payable or were incurred.

§ 8. In counties where there are cities of the first and second classes, the mayor shall discharge the cities, and the cities make the payments provided for this act, so far as said disease exists in any of said cities.

Approved March 19, 1894.

CHAPTER 102.

ACT to amend an act, entitled "An act for the government of cities of the fifth class."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section seventeen of article four of an act, titled "An act for the government of cities of the fifth class," approved July the sixth, one thousand eight hundred and ninety-three, be, and the same is hereby, amended so that said section, as amended, all read as follows:

§ 17. No person shall be eligible to hold any office in such city, whether filled by election or appointment, unless he is a resident and elector therein, and, except the office of marshal, shall have resided in such city for one year next preceding the date of such election or appointment: *Provided, however,* That the marshal of such city shall be a resident of such city at the time of his appointment; and no person shall

Session Acts
1891-2-3, page
1362.

be eligible to hold the office of mayor or councilman unless he is a property-holder in said city: *And provided further*, That the police judge of the cities of this class shall have the power and authority to hold examining courts as is conferred by law upon justices of the peace.

§ 2. *And whereas*, it appears that in cities of the fifth class there are instances where a necessity exists for the services in the office of marshal and other appointive offices of persons who have not resided within the corporate limits of such cities as prescribed by the section hereinbefore amended, whereby it appears that an emergency exists, and an emergency is hereby declared, and that this amendment shall be of force and take effect from and after its enactment.

Approved March 19, 1894.

CHAPTER 103.

AN ACT to amend section ninety-eight, chapter two hundred and twenty-two, of Session Acts one thousand eight hundred and ninety-one-ninety-two-ninety-three, entitled "An act for the government of cities of the third class," approved June fourteenth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section ninety-eight of chapter two hundred and twenty-two of Session Acts of one thousand eight hundred and ninety-one-ninety-two-ninety-three, entitled "An act for the government of cities of the third class," approved June fourteenth, one thousand eight hundred and ninety-three, be, and the same is hereby, amended by striking out in line four of said section the word "monthly," and inserting in lieu thereof the words "quarterly of each year," and by striking out in line five of said section the words "auditor and mayor," and inserting in lieu thereof the words "prosecuting attorney and police judge,"

so that said section, as amended, will read in full as follows, to wit:

“§ 98. He shall not engage in any business or receive any process that interferes or is in any way incompatible with his duties to the city. He shall settle his accounts with the city quarterly of each year in the manner prescribed by ordinance, the same to be examined and certified by the prosecuting attorney and police judge, and approved by the council: *Provided*, The common council may, by ordinance, abolish or restore the office of marshal, and, when so abolished, the duties herein imposed on the marshal shall be performed by such officer as the common council shall designate or appoint.”

Approved March 19, 1894.

CHAPTER 104.

AN ACT to amend an act, entitled “An act to assign cities and towns of the Commonwealth to classes to which they belong.”

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section one of chapter ninety-nine of Session Acts one thousand eight hundred and ninety-one—Session Acts
1891-2-3, pages
256-257. ninety-two and ninety-three, be amended as follows:

WHEREAS, When an act, entitled “An act for the government of cities of the fifth class,” which was approved July three, one thousand eight hundred and ninety-three, was passed, the population of the city of Catlettsburg, Boyd county, Kentucky, was less than three thousand, and was, therefore, assigned to cities of the fifth class; whereas, under an ordinance regularly passed by the council of the city of Catlettsburg, on the second day of October, one thousand eight hundred and ninety-three, a census of said city has been taken, and by said census it appears that the population of the city of Catlettsburg is more than three thousand, to wit: three thousand and

forty-two, which entitles said city to be assigned to cities of the fourth class. The said section, when amended, will read as follows, to wit:

§ 1. The cities and towns of this Commonwealth are classified as follows:

First Class.

Louisville, Jefferson county.

Second Class.

Lexington, Fayette county; Covington, Kenton county; Newport, Campbell county.

Third Class.

Paducah, McCracken county; Owensboro, Daviess county; Henderson, Henderson county; Frankfort, Franklin county; Bowling Green, Warren county.

Fourth Class.

Hopkinsville, Christian county; Shelbyville, Shelby county; Maysville, Mason county; Richmond, Madison county; Winchester, Clark county; Dayton, Campbell county; Paris, Bourbon county; Ashland, Boyd county; Catlettsburg, Boyd county; Danville, Boyle county; Mt. Sterling, Montgomery county; Middlesborough, Bell county; Georgetown, Scott county; Versailles, Woodford county; Harrodsburg, Mercer county; Bellevue, Campbell county; Cynthiana, Harrison county; Mayfield, Graves county; Somerset, Pulaski county; Lebanon, Marion county; Ludlow, Kenton, county; Nicholasville, Jessamine county; Pineville, Bell county.

Fifth Class.

Lancaster, Garrard county; Cadiz, Trigg county; Grand River, Livingston county; Franklin, Simpson county; Greenville, Muhlenberg county; Elizabethtown, Hardin county; Louisa, Lawrence county;

Russellville, Logan county; Columbus, Hickman county; Madisonville, Hopkins county; Glasgow, Barren county; Princeton, Caldwell county; Fulton, Fulton county; South Louisville, Jefferson county; West Covington, Kenton county; Earlington, Hopkins county; Carrollton, Carroll county; Hickman, Fulton county; Cloverport, Breckinridge county; Bardstown, Nelson county; Augusta, Bracken county; Stanford Lincoln county; Lawrenceburg, Anderson county; Williamsburg, Whitley county; Clinton, Hickman county; Midway, Woodford county; Flemingsburg, Fleming county; Barboursville, Knox county; Elkton, Todd county; Falmouth, Pendleton county; Central City, Muhlenberg county; Vanceburg, Lewis county; Morganfield, Union county; Carlisle, Nicholas county; Clay, Powell county; Uniontown, Union county; Campbellsville, Taylor county; Hawesville, Hancock county; Mildale, Kenton county; Eminence, Henry county; Parkland, Jefferson county; Eddyville, Lyon county; Leitchfield, Grayson county; Owingsville, Bath county.

Approved March 19, 1894.

CHAPTER 105.

AN ACT to amend sections two hundred and twenty-six and two hundred and twenty-seven of an act, entitled "An act for the government of cities of the third class," approved June fourteenth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections two hundred and twenty-six and two hundred and twenty-seven of an act, entitled "An act for the government of cities of the third class," approved June fourteenth, one thousand eight hundred and ninety-three, be, and they are hereby, severally amended and re-enacted, so as to read as follows:

“§ 226. Said board of education shall have power to elect or appoint such officers as may be necessary for its own government, and to require covenant, with surety, from any or all officers for the faithful discharge of their duties; to make by-laws not in conflict with this charter, the Constitution or laws of this State, for the carrying out the duties of their office, and for the government of its own officers, schools, teachers, pupils and employes; to determine its own rules of proceedings, and to appoint superintendents, teachers and other officers and employes, and regulate and fix their terms, duties and compensation, and suspend or remove them, or any of them, for cause. Said board may purchase, build or rent any ground, building or buildings, necessary or convenient for the public school purposes, and may make or contract to that end; and any property so leased, purchased or otherwise occupied, may be reserved by terms, deed or lease to the public schools of the city, and if so reserved, shall not be liable for any debt or debts of the city not incurred for public school purposes. Said board may also receive and hold, for public school purposes, any gift or devise.”

“§ 227. That said board of education shall have the power, two-thirds of the trustees in office concurring therein, to be evidenced upon the call of the yeas and nays, and recorded upon the journal of its proceedings, to sell and convey such of said school property for the purpose of reinvesting all the net proceeds of the same in the purchase of other lots, and building thereon other school buildings. And said board of education shall have no power to divert or apply said fund, or any part of it, to any other purpose whatsoever than for the purchase of grounds and the buildings thereon, school buildings for public school purposes, and if it do so, the same shall be malfeasance in office.”

Approved March 19, 1894.

CHAPTER 106.

AN ACT to authorize the appointment of official interpreters in circuit courts trying criminal cases in counties containing a population of seventy-five thousand or over.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. The judge of the circuit court presiding in the criminal division of the circuit court of each judicial district of this Commonwealth, composed of a county containing a population of seventy-five thousand or over, may, in his discretion, appoint an official interpreter, who shall be appointed for a term of four years, and until his successor is appointed and qualified.

§ 2. No person shall be eligible to the position of official interpreter who is not able to speak fluently the English and German languages, and to interpret the one of these languages into the other.

§ 3. It shall be the duty of said interpreter to be present at all sessions of the criminal division of said circuit court, and to interpret the evidence or statements of parties or witnesses in said court when directed so to do by the judge thereof.

§ 4. Before entering upon his duties as such interpreter, he shall be required to take the oath required of all officers of this Commonwealth, and shall further swear that he will, to the best of his ability, true interpretation make in all matters and controversies in said court wherein he is directed to interpret.

§ 5. The said interpreter shall receive an annual salary, to be fixed by the presiding judge of said criminal division of such circuit court, not to exceed the sum of six hundred dollars, to be paid in monthly installments out of the county treasury.

§ 6. Whereas, the criminal courts of the counties of this Commonwealth containing a population of seventy-five thousand or over are now in daily session ; and

whereas, numbers of parties and witnesses are coming before said courts who speak the German, but are unable to speak the English language; therefore an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage.

Approved March 19, 1894.

CHAPTER 107.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act relating to revenue and taxation,'" Session Acts one thousand eight hundred and ninety-one-ninety-two-ninety-three, which became a law November eleventh, one thousand eight hundred and ninety-two, approved June ninth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter one hundred and three, article three, section one, be amended by striking out all of said section after the word "exercised," which reads as follows: "The place or places where such local taxes are to be paid, and how apportioned, where more than one jurisdiction is entitled to a share of such tax, shall be determined by the Auditor, Treasurer and Secretary of State, who are hereby constituted a Board of Valuation and Assessment for said purpose, and for the discharge of such other duties as may be imposed on them by this act. The Auditor shall be chairman of said board, and shall convene the same from time to time, as the business of the board may require," and insert the following: "The Auditor, Treasurer and Secretary of State are hereby constituted a Board of Valuation and Assessment for fixing the value of said franchise, except as to turnpike companies, which are provided for in section seventeen of this article; the place or places where such local taxes are to be paid by other corporations on their franchise, and how apportioned, where more

than one jurisdiction is entitled to a share of such tax, shall be determined by the Board of Valuation and Assessment, and for the discharge of such other duties as may be imposed on them by this act. The Auditor shall be chairman of said board, and shall convene the same from time to time, as the business of the board may require," so that said section, when amended, will read as follows:

"§ 1. Every railway company or corporation, and every incorporated bank, trust company, guarantee or security company, gas company, water company, ferry company, bridge company, street railway company, express company, electric light company, electric power company, telegraph company, press dispatch company, telephone company, turnpike company, palace-car company, dining-car company, sleeping-car company, chair car company, and every other like company, corporation or association, and also every other corporation, company or association having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service, shall, in addition to the other taxes imposed on it by law, annually pay a tax on its franchise to the State, and a local tax thereon to the county, incorporated city, town and taxing district, where its franchise may be exercised. The Auditor, Treasurer and Secretary of State are hereby constituted a Board of Valuation and Assessment, for fixing the value of said franchise, except as to turnpike companies, which are provided for in section seventeen of this article, the place or places where such local taxes are to be paid by other corporations on their franchise, and how apportioned, where more than one jurisdiction is entitled to a share of such tax, shall be determined by the Board of Valuation and Assessment, and for the discharge of such other duties as may be imposed on them by this act. The Auditor shall be chairman of said board, and shall

convene the same from time to time, as the business of the board may require."

§ 2. Add to article three, chapter one hundred and three, Session Acts one thousand eight hundred and ninety-one-ninety-two-ninety-three, the following as section seventeen: "All turnpike road companies in the State shall, by its president or chief officer, make out the reports required in this chapter, on blanks furnished by the Auditor, to the several county clerks of this Commonwealth, who shall furnish, upon application, these blanks to the president or chief officer of every turnpike in or passing through his county. The president or chief officer shall fill out these reports, showing the exact financial condition in detail of the road, the whole length of the road, and the length of the road in each county, and shall, annually, between the fifteenth day of September and the fifteenth day of October, make and deliver said report, verified under oath, to the county clerk of every county in which the road or any part of it may be located, and kept by said clerk as a public record. These reports shall be used by the board of supervisors of each county in ascertaining the value of the franchise of each road, or part of a road, in their county, and they shall add the amount, if any, so found to the amount of tangible property assessed by the assessor, and the amount so ascertained shall be the whole amount of taxable value of said road. The tangible property assessed by the assessor shall be subject to the supervision of the board of supervisors also. Any president or chief officer of a turnpike company who fails or refuses, or knowingly makes any false statement in his report, shall be deemed guilty of a misdemeanor, and for each offense shall be fined not less than ten dollars nor more than fifty dollars."

Approved March 22, 1894.

CHAPTER 108.

AN ACT to amend an act approved November eleventh, one thousand eight hundred and ninety-two, relating to revenue and taxation, and to amend an amendment to said act of June ninth, one thousand eight hundred and ninety-three, relating to peddlers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act relating to taxation and revenue," which became a law November eleventh, one thousand eight hundred and ninety-two, the Governor not having signed or returned the same to the House in which it originated within the time prescribed by the Constitution, be, and the same is hereby, amended, as follows, to wit: Amend section twenty-eight of article ten, so that the same shall read as follows:

§ 28. All persons who shall, under cover of *bona fide* merchants, come into, or take up a temporary residence in any county, city or town of this Commonwealth, for the purpose of disposing of any goods, wares or merchandise, either at auction or otherwise, except as hereinafter specially provided, shall also be deemed peddlers; and every such person upon applying for license shall be required to disclose, on oath, his name and residence and the ownership of the goods, wares or merchandise he purposed disposing of, together with the names and residences of such other person or persons as may own, or be in any manner interested in said goods, wares or merchandise, or on whose behalf it is purposed to dispose of same, and whether the applicant for license acts in his own right or as agent for others, and his statements shall be entered of record. And if any such person shall advertise, represent, state, or in any manner hold forth the purposed disposition of said goods, wares or merchandise as an insurance, bankrupt, assignee's or closing-out sale, or as a sale of any goods, wares or

merchandise damaged by smoke, fire, water or otherwise, or shall make any similar advertisement, representation or statement, he shall be required to file his affidavit, and the affidavit of at least two other persons, showing same, together with a detailed statement of all the facts regarding same ; and it shall be the duty of the court, before granting any license to such applicant, to examine him concerning his purpose with regard to the disposition of said goods, wares or merchandise, and to ascertain whether he has made, or intends to make, any such advertisement, representation or statement concerning his purposed disposition of same. Any false statement by any applicant for license under this section shall be deemed false swearing, and any person so offending shall be punished accordingly.

§ 2. That an act, entitled "An act to amend an act, entitled 'An act relating to revenue and taxation,'" which became a law without the approval of the Governor November eleventh, one thousand eight hundred and ninety-two, approved June ninth, one thousand eight hundred and ninety-three, be, and the same is hereby, amended as follows, to wit: Amend section twelve, amendatory of section thirty-six of article ten of the act of November eleventh, one thousand eight hundred and ninety-two, so that the same shall read as follows :

§ 36. Peddlers shall, except as hereinafter provided, pay for peddling in the entire State any of the articles on which a license tax is required by law, the following: One person with two-horse wagon, fifty dollars; one person with one-horse wagon, forty dollars; one person on horseback, thirty dollars; one person on foot, who carries on or about his person the articles he purposes selling, or each person who may accompany a peddler with a wagon, twenty dollars; each person who, under cover of a *bona fide* merchant, has come into, or taken up a temporary residence in, any county, city or town of this Commonwealth for the purpose

of disposing of goods, wares or merchandise, either at auction or otherwise, and who does not carry about from place to place on his person the goods, wares or merchandise he purposes disposing of, one hundred dollars; and for each person assisting such peddler as clerk or employe, one hundred dollars. For the right to peddle in one county in this State each person applying therefor shall pay one-fourth as much as is required of such person for the whole State. The license tax of peddlers of lightning rods, and of venders of patent rights or territory for the sale of patent rights or articles, shall be twice the amount of other license tax as provided in this section.

Approved March 22, 1894.

CHAPTER 109.

AN ACT to amend an act, entitled "An act for the creation and regulation of private corporations," which became a law without the approval of the Governor April fifth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act for the creation and regulation of private corporations," which became a law April fifth, one thousand eight hundred and ninety-three, the Governor not having signed or returned the same to the House in which it originated within the time prescribed by the Constitution, be, and the same is hereby, amended as follows: Amend section one hundred and sixty-six, article four, so that the same shall read as follows:

"§ 166. The Commissioner shall receive an annual salary of three thousand dollars, and the deputy shall receive two thousand dollars per year. There shall also be paid three thousand and five hundred dollars to secure the clerical and actuarial assistance necessary to the discharge of all the duties devolving by

law on the department or the Commissioner. The salaries shall be paid monthly out of the Treasury of the Commonwealth out of the insurance fund, in the same manner as other salaries are paid, and the other expenses of the department shall be paid out of the same fund by the warrant of the Auditor upon vouchers signed by the Commissioner: *Provided*, That the salaries fixed herein shall not apply to the term of the present incumbent of the office of Insurance Commissioner."

Approved March 22, 1894.

CHAPTER 110.

AN ACT to amend an act, entitled "An act for the government of cities of the first class," approved July first, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The government, administration, disposition and discipline of the police department and police force shall be such as the board of public safety may, and it is hereby authorized from time to time by rules, orders and regulations, prescribe, but in strict conformity to the provisions of "An act for the government of cities of the first class."

§ 2. The board of public safety is authorized and empowered to make, adopt and enforce rules, orders and regulations for the government, discipline, administration and disposition of the police department and police force and the members thereof. The board shall have power, and it is authorized to adopt rules and regulations for the examination, hearing, investigation and determination of charges made or preferred against any member or members of the said police force, but no member or members of the police force (except as provided in this chapter) shall be fined, reprimanded, removed, suspended or dismissed from

the police force, until written charges shall have been made or preferred against him or them, nor until such charges have been examined, heard and investigated before said board, upon such reasonable notice to the member or members charged, and in such manner of procedure, practice, examination and investigation as the said board of public safety may, by rules and regulations, from time to time, prescribe: *Provided, however,* That any member of the police force who is now or may hereafter become insane or of unsound mind, so as to be unable or unfit to perform full police service or duty, may be removed and dismissed from the police force by resolution of the board of public safety. A copy of the rules and regulations, or any or either of them, of the police department or board of public safety, passed or adopted by such board, may, when certified by the president of said board and the chief clerk or said police department or board, be given in evidence upon any trial, investigation, hearing or proceeding, in any court or before any tribunal, commissioner or commissioners, board or competent body, with the same force and effect as the original.

§ 3. The board of public safety shall have power to issue subpœnas, tested in the name of the chairman, to compel the attendance of witnesses upon any proceedings authorized by law or its rules and regulations. The board of public safety is hereby authorized and empowered to investigate, take evidence and hear any charge or charges made or preferred against any member or members of the police force; but no judgment or other determination shall be rendered or pronounced, dismissing, removing or suspending any member or members of said police force, or imposing any fine or forfeiture, unless a majority of the board of public safety shall concur.

§ 4. The board of public safety shall at all times cause the ordinances of cities of the first class, not in conflict with law, to be properly enforced; and it shall

be the duty of said board at all times, whenever consistent with the rules and regulations of the board and with the requirements of this act, to furnish all information desired.

§ 5. The board of public safety may, from time to time, establish, provide and furnish stations and station-houses for the accommodation thereat of members of the police force, and as places of temporary detention for persons arrested ; and it shall also provide and furnish such business accommodations, apparatus and articles, and provide for the care thereof, as shall be necessary for the department of police and the transaction of the business of the department. The said board of public safety is hereby authorized and empowered to furnish horses and wagons, to be known as patrol-wagons, to be assigned to police headquarters, which said horses and wagons shall be under the custody and care of said department, and for the exclusive use thereof.

§ 6. In rural and sparsely inhabited precincts the board of public safety may establish a mounted patrol, and procure and use and employ so many horses and equipments as shall be requisite for the purpose ; and they may procure and cause to be used any teams and vehicles required, and may sell and dispose of, in accordance with law, any personal property owned or used in the department whenever it shall have become old and unfit and not required for service.

§ 7. It shall be the duty of the members of the police force to promptly advise the board of public safety of all threatened danger to human life or health, and of all matters thought to demand its attention, and to regularly report to said board of public safety all violations of its rules and ordinances and of the health laws, and all useful sanitary information, under such rules as the board of public safety may provide.

§ 8. The police force shall consist of one chief of police, with the rank of colonel ; one assistant chief

of police, with the rank of major; captains of police, not exceeding in number one to each fifty of the total number of patrolmen; lieutenants of police, not exceeding one to each thirty patrolmen; sergeants of police, not exceeding in number one to each thirty patrolmen; detectives of police, not exceeding twelve in number, one of whom shall be chief of detectives; and patrolmen not exceeding three hundred in number. The board of public safety shall appoint all the members of the police force. The board of public safety shall have power, and it is authorized to increase the police force by adding to the number of patrolmen from time to time, provided the general council shall have previously made an appropriation for that express purpose. The board of general council may include in the annual tax levy an amount sufficient to provide for the compensation of the additional patrolmen authorized to be appointed pursuant to the provisions of this section. The board of public safety shall maintain and continue a detective force, and shall select and appoint to perform detective duty as many patrolmen, not exceeding twelve in number, as said board of public safety may, from time to time, determine to be necessary to make this branch of the police force efficient. The patrolmen so selected and appointed shall be called detectives, and shall, while performing such detective duty, be vested with the same authority and be entitled to receive and be paid such salary as policemen, as the general council may from time to time provide. But the board of public safety may, by resolution, reduce to the grade of patrolmen, and transfer such detectives, or any number of them, to perform patrol or other police duty, and when so transferred they shall only be entitled to receive and be paid the same rate of compensation each as patrolmen of police.

§ 9. Promotions of officers and members of the police force, shall be made by the board only on the grounds of meritorious police service and superior

capacity, and shall be as follows: sergeants of police shall be selected from among patrolmen; lieutenants of police from among sergeants; captains of police from among lieutenants, and major of police from among captains. But the chief of police may be appointed by said board as it may deem best.

§ 10. The board of public safety shall have power, in its discretion, on conviction by said board, or by any court or officer of competent jurisdiction, of a member of the force of any legal or criminal offense, or neglect of duty, violation of rules, or neglect or disobedience of orders, or absence without leave, or any conduct injurious to the public peace or welfare, or immoral conduct or conduct unbecoming an officer, or other breach of discipline, to punish the offending party by reprimand, forfeiting and withholding pay for a specified time, suspension without pay during such suspension, or by dismissal from the force; but no more than thirty days' pay or salary shall be forfeited or deducted for any offense. The board is also authorized and empowered, in their discretion, to deduct and withhold pay, salary or compensation from any member or members of the police force, for, or on account of absence for any cause, without leave, lost or sick time, sickness or other disability, physical or mental; and said board is authorized, from time to time, to make and prescribe rules and regulations to carry into effect and enforce the provisions of this section. No action, suit or proceeding, either at law or in equity, shall be commenced or maintained against the city, board of public safety, or any member thereof, or against the mayor, or member or members of the general council, by any member or officer, or former member or officer of, or belonging to, the police force or department of said city, to recover or compel the payment of any salary, pay, money or compensation, for, or on account of any service or duty, or to recover any salary, compensation or moneys, or any part thereof, forfeited, deducted

or withheld for any cause, or to restore or reinstate to the police force or department, any member or officer thereof, unless such action, suit or proceeding shall be commenced within six months after the cause of action shall have accrued.

§ 11. No member of the police force, under penalty of forfeiting the salary or pay which may be due him, shall withdraw or resign, except by permission of the board of public safety. Absence without leave of any member of the police force for five consecutive days shall be deemed and held to be a resignation, and the member so absent shall, at the expiration of said period, cease to be a member of the police force, and be dismissed therefrom without notice. No leave of absence, exceeding twenty days in one year, shall be granted or allowed any member of the police force.

§ 12. The board of public safety shall designate the salary and compensation for each member and officer of said police force, and may fix the salaries and compensation of such clerks and employes, other than policemen, whom they shall be authorized by law to employ, subject, however, to the gross amount of the appropriation made by the general council for the support of said department. The compensation of the members of the police force shall be payable monthly by pay-rolls as provided by ordinances.

§ 13. It is hereby made the duty of the police force, at all times of day and night, and the members of such force are hereby thereunto empowered, to especially preserve the public peace; prevent crime; detect and arrest offenders; suppress riots, mobs and insurrections; disperse unlawful or dangerous assemblages, and assemblages which obstruct the free passage of public streets, sidewalks, parks and places; protect the rights of persons and property; guard the public health; preserve order at elections and all public meetings and assemblages; prevent and regulate the movements of teams and vehicles in streets, and remove all nuisances in the public streets, parks

and highways ; arrest all street mendicants and beggars ; provide proper police attendance at fires ; assist, advise and protect emigrants, strangers and travelers in public streets, at steamboat landings and at railroad stations ; carefully observe and inspect all places of public amusement, all places of business having excise or other licenses to carry on any business ; all houses of ill-fame or prostitution, and houses where common prostitutes resort or reside ; all lottery offices, policy shops, and places where lottery tickets or lottery policies are sold or offered for sale ; all gambling houses, cock-pits, rat-pits and public common dance houses, and to repress and restrain all unlawful or disorderly conduct or practices therein ; enforce and prevent the violation of all laws and ordinances in force in said city ; and for these purposes, with or without warrant, to arrest all persons guilty of violating any law or ordinance for the suppression or punishment of crimes or offenses.

§ 14. The chief of police and each captain of police within his district shall possess powers of general police supervision and inspection over all licensed or unlicensed pawnbrokers, venders, junk-shop keepers, junk boatmen, cartmen, dealers in second-hand merchandise, intelligence office keepers and auctioneers within the city ; and in the exercise of and in furtherance of said supervision, may, from time to time, empower members of the police force to fulfill such special duties in the aforesaid premises as may be, from time to time, ordained by the board of public safety. The said chief and each captain within his district may, by authority in writing, empower any member of the police force, whenever such member shall be in search of property feloniously obtained, or in search of suspected offenders, or evidence to convict any person charged with crime, to examine the books of any pawnbroker, or his business premises, or the business premises of any licensed vender, or licensed junk-shop keeper, or dealer in second-hand merchandise, or in-

telligence office keeper, or auctioneer, or boat of any junk boatman. Any such member of the police force, when thereto authorized in writing, by the said chief or captain, shall be authorized to examine property alleged to be pawned, pledged, deposited, lost or stolen, in whosesoever possession said property may be; but no such property shall be taken from the possession thereof, without due process or authority of law. Any willful interference with the said chief or captain of police, or with any member of the police force, by any of the persons hereinbefore named in this section, whilst in official discharge of duty, shall be punished as a misdemeanor.

§ 15. The chief of police and persons acting by his orders, shall have power to examine the books of any pawnbroker, his clerk or clerks, if they deem it necessary, when in search of stolen property, and any person having in his possession a pawnbroker's ticket shall, when accompanied by a policeman, or by an order from the chief of police or captain of police, examine the property purporting to be pawned by said ticket; but no property shall be removed from the possession of any pawnbroker without the process of law required by the existing laws of this State, or the laws and ordinances of the city regulating pawnbrokers. A refusal or neglect to comply in any respect with the provisions of this section on the part of any pawnbroker, his clerk or clerks, shall be deemed a misdemeanor, and punishable as such.

§ 16. The board of public safety may employ some person as clerk, who shall be designated property clerk, to take charge of all property alleged to be stolen or embezzled, and which may be brought into the police office, and all property taken from the person of a prisoner, and all property or money alleged or supposed to have been feloniously obtained, or which shall be lost or abandoned, and which shall be taken into the custody of any member of the police

force or criminal court, or which shall come into the custody of any police officer, shall be by such member, or by order of said court, given into the custody of and kept by the property clerk of the police department. All such property and money shall be particularly described and registered by said property clerk in a book kept for that purpose, which shall contain the name of the owner, if ascertained, the place where found, the name of the person from whom taken, with the general circumstances, the date of its receipt, the name of the officer recovering the same, a description thereof, the names of all claimants thereto, and any final disposition of such property or money. The board of public safety may prescribe regulations in regard to the duties of the clerk so designated, and require and take security for the faithful performance of the duties imposed by this section; but all animals strayed, lost or stolen, which shall come into the possession of said property clerk, shall by him be transferred and sent to the public pound in said city, anything herein contained to the contrary notwithstanding.

§ 17. All property or money taken on suspicion of having been feloniously obtained, or of being the proceeds of crime, and for which there is no other claimant than the person from whom such property was taken, and all lost property coming into the possession of any member of the said police force, and all property and money taken from pawnbrokers as the proceeds of crime, or by any such member from persons supposed to be insane, intoxicated, or otherwise incapable of taking care of themselves, shall be transmitted as soon as practicable to the property clerk, to be registered and advertised for the benefit of all persons interested, and for the information of the public, as to the amount and disposition of the property so taken into custody by the police.

§ 18. If property stolen or embezzled be not claimed by the owner before the expiration of six month

from the conviction of a person for stealing or embezzling it, the officer having it in his custody must, on payment of the necessary expenses incurred in its preservation, deliver the same to the property clerk. The property so delivered to said property clerk, and all such other property, securities, moneys, things, or choses in action, that shall remain in the custody of the property clerk for the period of six months, without any lawful claimant thereto, after having been advertised for the period of ten days, may be sold at public auction, in a suitable room to be designated for such purpose, and the proceeds of such sales shall be paid into the city treasury to the credit of the police department. No property shall be delivered to the property clerk except as provided in this act.

§ 19. If any property or money placed in the custody of the property clerk shall be desired as evidence in any police or other criminal court, such property shall be delivered to any officer who shall present an order to that effect from such court. Such property, however, shall not be retained in said court, but shall be returned to such property clerk to be disposed of according to the previous provisions of this chapter.

§ 20. The board of public safety shall, on application of any person or persons, appoint any number of private policemen to do duty at any place within the city, at the charge and expense of the person or persons by whom such application is made; and said private policemen shall have the same qualifications as to citizenship as members of the regular police force, and said private policemen, so appointed, shall take an oath of office, and shall furnish bond in the same manner as patrolmen, and shall wear such dress and insignia of office as the board of public safety may direct. Said private policemen shall hold their appointment during good behavior. While holding such appointment they shall be restricted in the per-

formance of their duties to the particular place and locality to which they may be appointed.

§ 21. Each member and officer of the police force hereafter appointed shall be an elector and shall have been a resident for three years in the city in which he is appointed. No person shall be appointed a member or officer of the police force unless he is well known to be a man of sobriety and integrity, and has been and is an orderly and law-abiding citizen. No man shall be appointed a member or officer of the police force who has been convicted of any felony, or who has been engaged in any unlawful calling, or has pursued any calling in a manner forbidden by law; nor shall any person be appointed a member or officer of said force on account of any political partisan service rendered by him; nor shall any officer or member of said force be removed or discharged or reduced in grade or pay for any political reasons. Their appointment and continuance upon the police force shall depend absolutely upon their ability and their willingness to enforce the law.

§ 22. Each officer and member of the police force, private policemen, special policemen and substitute policemen, before entering upon the discharge of his duties, shall take an oath before the mayor, who is hereby empowered to administer the same, to well and faithfully discharge the duties of his office, which oath shall be subscribed by the person taking it, and shall be filed for preservation in the office of the board of public safety. All bonds for the police force shall be signed by at least two freeholders as sureties, who shall prove to the satisfaction of the board of public safety that they own real estate within the county in which such city is located.

§ 23. It shall be the duty of the board of public safety, at least once in each year, to require the examination and inspection of the entire police force, and for this purpose the board of public safety may appoint such of its members as examiners as it may

select. The board of public safety may order any officer or member of the force, at any time, to be inspected and examined. Gross ignorance of the laws and regulations governing and directing the police force, and of ordinances of cities of the first class, after six months' service as officer or member, or at any time thereafter, shall be deemed conclusive proof of inefficiency, and said board may remove such officer or member of the force.

§ 24. No member of the police force shall be liable to military or jury duty, or to arrest on civil process, nor to be served with subpœnas from civil courts while actually on duty, nor shall any member of said force belong to any political organization.

§ 25. Inasmuch as there is an uncertainty in the management and control of the police department of cities of the first class, an emergency exists, and is hereby declared, and this act shall take effect from and after its approval by the Governor.

Approved March 23, 1894.

CHAPTER 111.

AN ACT to amend section twenty-five of an act, entitled "An act relating to claims upon the Treasury," approved May first, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section twenty-five of an act, entitled "An act relating to claims upon the Treasury," approved May first, one thousand eight hundred and ninety-three, be, and the same is hereby, amended by striking out all of said section after the word "dollars," where said word first occurs in said section, and insert in lieu thereof the following: "Per annum to be paid out of the State Treasury to the committee of each of such idiots so adjudged and reported,"

so that said section, when amended, will read as follows:

§ 25. That hereafter the allowance to a pauper idiot shall be seventy-five dollars (\$75) per annum, to be paid out of the State Treasury to the committee of each of such idiots so adjudged and reported.

§ 2. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 28, 1894.

CHAPTER 112.

AN ACT to amend section two hundred and twenty-three of the Criminal Code of Practice; an act to repeal section two hundred and thirty-four and subsections three and four of section two hundred and twenty-three of the Criminal Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section two hundred and thirty-four of the Criminal Code of Practice, and subsections three and four of section two hundred and twenty-three of the Criminal Code of Practice, be, and they are hereby, repealed.

Approved March 23, 1894.

CHAPTER 113.

AN ACT regulating the mode of assessing the shares and surplus funds and undivided profits of building associations.

WHEREAS, It is uncertain, under the revenue law, how the shares of building associations should be assessed for taxation, and for the purpose of clearly and definitely fixing the mode and manner of assessing the shares of said building association; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the shares of building associations or

building and loan associations shall be taxed as other individual personal property, and shall be listed with the assessor for that purpose by the owners of said shares, the amount so listed by every owner or shareholder to correspond with the amount paid in and not withdrawn by the said share-holder on the fifteenth September of every year: *Provided*, That the borrowing members shall not be required to list their shares, if the amounts borrowed by such members equal or exceed the amount paid in on their respective shares. The shares of infants shall be listed by the parents or guardians of such infants.

§ 2. The president or secretary of every such building association, or building and loan association, shall list with the assessor the amount of such surplus funds and undivided profits as his association may have on hand and undistribued on the fifteenth day of September of every year.

§ 3. All laws or parts of laws in conflict with this are hereby repealed.

Approved March 28, 1894.

CHAPTER 114.

AN ACT to amend "An act for government of cities of the fourth class," approved June twenty-eighth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the government of cities of the fourth class," approved June twenty-eighth, one thousand eight hundred and ninety-three, be, and the same is, amended as follows: That section four of said act be amended so as to read as follows:

"§ 4. The members of the board of council, and all other elective officers of cities of the fourth class, shall be elected at the times and for the terms pre-

scribed by the Constitution. The members of the board of council of each city shall be elected by the qualified voters of the wards for which they respectively stand, if the city is divided into wards; otherwise, they shall be elected by the qualified voters of the city, and they may be allowed by ordinance not exceeding three dollars for each meeting of the board they attend. All other elective officers of each city shall be elected by the qualified voters thereof. The election of councilmen and of other elective officers of each city of this class shall possess the qualifications of electors prescribed by section one hundred and forty-five of the Constitution, and no one shall be qualified to vote for councilman in the ward in which he offers to vote, unless he has been a *bona fide* resident of the ward in which he offers to vote for sixty days next preceding the election at which his vote is offered. The election of all elective officers of cities of this class shall be held under and in pursuance of the provisions of the general election law, except as provided herein. The board of council or board of trustees, as the case may be, of any city not divided into wards, may, not less than sixty days before any November election held for the election of councilmen, divide the city into not exceeding six wards, which shall remain so constituted, unless changed or abolished by a future board of council. In any city of the fourth class divided into wards, the clerk of the county court shall, in addition to the ballots prepared for State, district, county and precinct elections, prepare or cause to be prepared a ballot-book for each ward in said city; and if any ward lies in more than one regular voting precinct, he shall prepare, or cause to be prepared, for each precinct in such ward a ballot-book. Only the names of such persons as are candidates for the city at large, and for the respective wards, are to be placed on said ballots. The said ballot-books are to be prepared in the same manner and form as now prescribed by the general election laws of

this Commonwealth; only the names of those shall be placed on said ballots as candidates as have complied with the general election laws concerning the placing of names of candidates on ballots; said ballots to be indorsed by the county clerk in the same manner and form, and delivered to the officers of the election in the same manner and at the same time, as required by the said general election laws. A voter desiring and entitled to vote in the city election shall be given, by the officers of the election, in addition to the ballot of the State, county, district or precinct, a ballot for the ward in which he is entitled to vote, which ballot the voter will mark and fold in the same manner and at the same time, and deliver to the officers of the election in the same manner and at the same time as is required by the general election law, which the officers will deposit in ballot-box as fixed by the general election law. The officers of the election will count the ballots cast for each respective candidate for the city offices. Said officers will make two certificates of the result, one of which they will certify and deliver to the clerk of the county court, in the same manner and at the same time as now prescribed by the general election law for the election of State, county and district officers, and one of which they will certify, and, within three days after the election, deliver it to the clerk of the board of common council."

§ 2. That section eighty-eight and one-half of said act be amended so as to read as follows:

"§ 88 $\frac{1}{2}$. The terms of office of members of the board of common council shall begin on the first Monday in December after their election. All other officers, whether elected or appointed, shall begin their respective terms on the first Monday in January following. If appointed, said officers shall be appointed by the board of council elected at the preceding November election."

§ 3. The boundaries of cities of the fourth class.

shall, until changed as herein provided, remain as now established by law. Whenever it shall be deemed desirable to annex any territory to a city in this class, or to reduce the boundaries thereof, the same may be done in the following manner: The board of council of such city shall, by ordinance, accurately define the boundary of the territory proposed to be annexed or stricken off. Such ordinance shall be published for not less than three weeks in a newspaper published in such city or county; if there be no newspaper published in the city or county, the ordinance shall be advertised by handbills, to be posted for at least fifteen days at four or more public places in the city, and at the same number of the most public places within the territory proposed to be annexed or stricken off. Within thirty days after the adoption, publication and advertisement of such ordinance a petition shall be filed in the circuit court of the county within which said city may be situated, in the name and on behalf of the city, setting forth the passage, publication and advertisement of such ordinance, the object and purposes thereof, together with an accurate description by metes and bounds of the territory proposed to be annexed to or stricken from the city, and praying for a judgment of the court to annex said territory to or strike same from the city, as the object may be. The said petition shall be filed not less than twenty days before the first day of the next succeeding term of the circuit court in that county. Notice of the filing of same shall be given in the same manner as provided herein for notice of the passage of said ordinance. If no defense be made at the first term of the court after the filing of said petition and notice of same as herein provided, and the court shall make no order for granting further time for making defense, the court shall render a judgment annexing or striking off the proposed territory, as the object of the proceedings may be. But at the first term of the circuit court, or within the time fixed by

the court by its order, any one or more of the resident voters of the territory proposed to be annexed or stricken off may file a defense in said proceedings, setting forth the reasons why such territory, or any part thereof, should not be annexed to the city, or why the limits of the city should not be reduced. The case shall be tried by the court without the intervention of a jury. If the court, upon hearing, be satisfied that less than a majority of the resident voters of the territory sought to be annexed or stricken off have remonstrated against the proposed extension or reduction, and that the proposed extension or reduction of the limits of the city, as the case may be, will be for the interest of the city, and will cause no material injury to the owners of real estate in the limits of the proposed extension or reduction, it shall so find, and the proposed extension or reduction shall be decreed or adjudged. But if the court shall find that a majority or more of the resident voters in the territory to be affected, or the owner or owners of said property, if there be no resident voters, remonstrated against such change, and that said change will cause material injury to the owners of real estate in the limits of the proposed extension or reduction, it shall so find, and said extension or reduction shall be denied. If the judgment of the court is adverse to the proposed change, no further effort to annex or strike off the territory so proposed shall be made within two years after the entering of the judgment. Costs shall follow the judgment, and no appeal shall lie from the judgment of the circuit court. If the judgment in such proceedings be in favor of the city, it shall be certified by the clerk of the court to the board of council and entered on the records of the board, and the board shall thereupon, by ordinance, annex to or strike from the city the territory described in the judgment: *Provided*, The circuit court shall not have jurisdiction of such proceedings, unless the required publication or advertisement of the ordinance

proposing the extension or reduction of the limits of the city contains notice of the proposed proceedings in such court, proof of which publication or advertisement may be made by affidavit, filed in the proceedings.

§ 4. 1. The board of council of the cities of the fourth class may, by ordinance, establish a board of public works, to consist of three freeholder electors of said city, and who have been *bona fide* residents of the city so establishing said board of public works for three years next before their appointment. Said ordinance shall require the board of council of said city to elect said board of public works in one month from the passage of the ordinance creating said board, and no two of said members of the board of public works shall be selected from the same ward, and no one of them a member of the council. Where no board of public works has been established, the duties herein imposed shall be performed by the council, and such other employes and agents as said council may elect or designate.

2. The members of said board shall enter upon the discharge of the duties of their office as soon as elected, and shall hold said office four years, and until their successors are appointed and qualified. Any vacancy in said board shall be filled for the unexpired term in the same way the original appointments were made. The compensation of the members of said board shall be fixed by the council prior to their appointment. Said board shall have the power to designate one of their number to act as chairman and one as secretary. Two of said members shall constitute a quorum for the transaction of business. Said board shall hold at least one meeting each month, and as much oftener as the business intrusted to its care may require. Said meetings shall be held at stated times, and any two members of said board may, at any time, call a special meeting.

3. Said board shall keep a correct and complete-

record of its proceedings, and upon the passage of every resolution or order of any kind the yeas and nays shall be called and entered upon the journal.

4. The board of public works shall have the exclusive power and control over the construction, supervision, cleaning, sprinkling, repairing, grading and improving of all streets, alleys, avenue, lanes, squares, fountains, wharves and landings, market-houses and places, bridges, sewers, drains, ditches, culverts, streams, canals and water-courses, sidewalks, curbing, and the lighting of all such public places as may be deemed necessary within the corporation ; to fix and establish the grades of all streets, alleys, avenues and thoroughfares, and shall have exclusive control over such works as the city may own for supplying the city or the inhabitants thereof with water, light, heat or power, and shall have exclusive power to build, construct, equip, control, manage and operate any works the city may hereafter determine to own or construct for supplying the city or the inhabitants thereof with water, light, heat or power.

5. That the board of public works shall, on or before the day fixed in each year and every year for the tax levy, prepare and submit to the council an itemized estimate of the amount of money necessary and advisable, in their opinion, to spend in the execution of the duties intrusted to them for the ensuing year, giving in detail the plans of construction and repairs, with estimates of expenditures and salaries, wages, et cetera, proposed by them, with the estimated cost of each improvement or salary, specifying for what the department required ; and it shall be the duty of the council, in their annual levy of taxes, to make such levy as, in their judgment, shall be necessary and advisable ; and the amount so levied shall be collected and placed to the credit of the board of public works, and it shall not be used for any other purpose, but shall remain as a separate fund in the hands of the treasurer.

6. That when the said board shall deem it advisable to make a contract for the execution of any work or purchase of any supplies or material for any matter under its charge, it shall cause to be made a careful estimate of the cost of such work or material. In all cases where the estimated cost of any expenditure exceeds five hundred dollars, the board shall transmit to the council, with its recommendation, an ordinance authorizing the said expenditure, with an estimate of the cost. Upon the passage of such ordinance it shall be the duty of the board to advertise and let the contract to the lowest responsible bidder.

7. All contracts of the board shall be made in the name of the city, and shall be executed in behalf of the city by the mayor and attested by the clerk and filed with the records of the board.

8. That no member of the board or other person, whether in the employ of the board or otherwise, shall have the power to create any liability on account of the board or fund under its control, except by express authority of the board conferred at a meeting duly and regularly convened.

§ 5. The original construction of any street, road, alley, market space, lane, public square or grounds, wharves, levees or avenue, may also be made at the exclusive cost of the owners of the lots and parts of lots or land fronting or abutting or bordering upon the grounds so improved, to be equally apportioned by the board of the council according to the number of front feet owned by them respectively upon the petition of the majority of the property-owners of lots or parts of lots or grounds abutting or bordering upon the ground to be improved: *Provided, however,* That the said board of council may cause the same to be done, without petition from the owners of lots and parts of lots or land fronting or abutting or bordering upon the ground to be improved, if two-thirds of the members-elect of the said council, at the regular meeting thereof, as provided in section eighty-four, shall

concur therein. The said city council shall require the accepted bidder to execute a bond to the city, with good and sufficient security, to be approved by the said council, for the faithful performance of his contract, and the contractor shall within ten days begin his work under said contract, and shall complete the same without delay.

2. When the work is undertaken under the provision of section five, part one, of this amendment, and is completed in accordance with the contract, the work shall be received by the said city council upon receipt of a certificate from the city engineer, stating that the work has been done according to contract, and said council shall order payment for the same made to the contractor by the issuing of an order upon the city treasurer to pay same in full out of the "Public Improvement Fund."

3. That within thirty days after the signing of the contract by the contractor for the improvement contemplated in section five, part one, of this amendment, it shall be the duty of the mayor of the city, when the work is undertaken under the provision of said section five, part one, to issue the bonds of the city in such sums as council may order, not exceeding the sum of the contract price for the work, and all expenses attending the completion of said work, including the expense attending an issuing of said bonds, which bonds shall be redeemable by the city at any time within ten years after date of the issue of same that council may ordain; and the city may redeem any of said bonds at such time or times within the said ten years as may be stated in said bond or bonds; and said bonds shall be payable at any bank or banks in the State of Kentucky that council may direct, which place of payment shall be designated in each and every bond issued under this amendment.

4. All money arising from the sale of bonds provided for in section five, part three, shall be kept by the city treasurer in a separate fund, to be known as

the "Street Improvement Fund," and the city treasurer shall pay out of said fund all orders which the city council shall direct paid for any street improvements provided for in section five, part one; and he shall keep all money accruing or arising out of this amendment in the same manner and subject to all of the regulations regarding other money of the city, except that he will keep a separate account of the same, and credit all interest arising therefrom to said "Street Improvement Fund;" and the said city treasurer shall be responsible under his official bond as said city treasurer for the money accruing and received by him under this amendment, and for the faithful performance of the duties herein required of him. The amount of the bonds issued for any one improvement, together with the interest thereon, for the time intervening between the date of said bonds and the reception of the work by the council, shall be taken to be the cost of the improvement, and this cost, as soon as said bonds are issued for any one improvement, shall be assessed equally by the feet front upon the property fronting or abutting or bordering upon said improvement. In case when same is undertaken under the provisions of section five, part one, and for the purposes of this amendment, the intersection of streets and crossings adjoining shall be added to the cost of the improvement, to be paid by the property-holders abutting the property improved. All property fronting or abutting or bordering upon said improvement belonging to the city shall be considered and assessed as property belonging to individuals, and the assessment thereon shall be paid by the city out of the "general fund," and charged to the "Street Improvement Fund." The assessment shall be made as soon as the improvement is fully completed, and the sum assessed, which shall include the cost of the intersection and crossing aforesaid against each place of property, and also the owners thereof, shall be placed upon the tax list of the city,

and shall be payable at the office of the city treasurer in ten equal annual installments, with interest at six per cent. per annum upon the unpaid portion thereof. The first installment, together with interest on the whole amount at six per cent. per annum, shall be payable at the first payment of taxes next succeeding the time the assessment is placed upon the tax-list, and the other installments annually thereafter, and always at the time of payment of the other city taxes, with interest on the installments not due at the time, until all the installments are paid. The assessment may be collected like other taxes, or the city may at any time, after one installment remains delinquent for thirty days, by suit in equity, enforce its lien for all of the unpaid installments, with interest thereon to date of satisfaction of same and its costs expended. The city treasurer and the city collector shall not be entitled to receive any compensation whatever for their services in collecting taxes provided for in this amendment, nor for any other service performed under this amendment, unless the city council see proper, by ordinance, to make them, or either of them, a specific allowance therefor, which shall only be done by a vote of two-thirds of the members-elect of said council.

5. The assessments herein provided for under the provisions of section five, together with the interest accruing thereon, shall be a lien upon the property fronting or abutting or bordering upon the street or other improvement, from the date of the passage of the ordinance ordering the improvement made, and shall remain a lien until fully paid off, including interest and cost, having precedence over all other liens; and said lien shall not be defeated or postponed by any judicial sale, or by any mistake in the description of the property, or in the name or names of the owners thereof. The owner or owners of lots and parts of lots or a lot, may, any time after the assessment

for a street improvement is made, pay off in full the whole amount of such assessment from the date of the assessment up to and including the next ensuing date provided for the payment of the city taxes, and the lien herein established shall be satisfied by such payment. If any owner shall divide his property so that the number of feet fronting the improvement is separated into smaller lots or tracts, the lien may be discharged in like manner upon any one or more of the separate lots or tracts by the payment of the amount thereon, or the lien may be apportioned to the new owners by the city clerk, calculated by the ratio of the feet front of such lot or lots or parcels to the feet front of the original tract.

6. All money received from the assessment herein provided for shall be appropriated, upon the order of the council upon the city treasurer, to the payment of the interest and to the redemption of the bonds which may be issued for the improvements herein provided for.

7. Original section eighty-four is hereby repealed, and the following is enacted in lieu thereof :

“ § 84. A lien shall exist for the cost of the original improvement of the public ways, market-space, public square or grounds, wharves, levees for the construction and reconstruction of the same, and the sidewalks of the same, to take effect from the date of the passage of the ordinance ordering the improvement; for the apportionment, and six per centum per annum interest thereon against the respective lots or parts of lots of land fronting or abutting or bordering upon the improvement, superior to all other liens, and payment may be enforced upon the property bound therefor by suit in equity, and no error in the proceedings of the board of council shall exempt from payment or defeat said lien after the work has been done, as required by ordinance; but the board of council, or the courts in which said suits may be pending, shall make all corrections, rules and orders, to do justice to all parties

concerned; and if such improvements be made as provided for by ordinance, in no event shall the city be liable therefor without the right to enforce it against the property receiving the benefit thereof; but no ordinance for any original improvement mentioned herein shall take effect until it is passed by a yea and nay vote at two meetings of the board of council, at least two weeks apart, at least a majority of councilmen voting in the affirmative, unless said improvement is ordered by said board of council without petition from the property-holders, in which event two-thirds of the members elect of said board of council shall concur therein; and further, not until the ordinance as first passed shall have been published as required by original section six of the act to which this is an amendment, unless said improvement be asked by a petition signed by persons owning a majority of the property liable therefor, when the ordinance may be passed at one meeting of said board by a majority yea and nay vote, but published, nevertheless, as required by said original section six."

§ 6. That section one hundred and ten of the said act be, and the same is hereby, repealed, and that the following be enacted in lieu thereof:

"§ 110. If a vacancy shall occur in any office which the board of council has the right to fill by appointment, such vacancy may be filled by the board for the remainder of the term of such vacant office."

§ 7. That section one hundred and twelve of said act be, and the same is hereby, repealed, and that the following be enacted in lieu thereof:

"§ 112. If a vacancy shall occur in any elective office, including the office of councilmen, such vacancy shall be filled by the board of council, subject to the provisions of the Constitution applicable thereto. If the election of any elective officer in cities of this class be contested, such contest shall be conducted and determined as provided by law in cases of the election of county officers."

§ 8. That no city of the fourth class shall, by virtue of any authority it has to improve its streets or other public ways at the costs of the owners of ground fronting or abutting thereon, have authority to charge the ground or the owner thereof on account of such improvements with more than one-half the value of such ground after the improvement is made, excluding the value of buildings and other improvements upon the property so improved.

§ 9. That section fifty-one of said act be, and the same is hereby, repealed, and that the following be enacted in lieu thereof: "It shall be the duty of the assessor, on or before the first Monday in May of each year, to take a list of all the taxable property in said city and return the same to the board of council; he shall list the soil as land, and every thing attached thereto or built thereon as improvements; and such improvements owned by a person other than the owner of the soil may be assessed in the name of the owner. It shall be the duty of the assessor to obtain, at the expense of the city, copies of all recorded plats of lands in the city or additions thereto, and keep the same in his office, and to mark thereon from time to time changes in ownership and subdivision or aggregations of the lots. He shall also list all and every kind of personal property in the city whether belonging to residents or non-residents, that is liable for State taxation, and in the same manner as provided by the law for the county assessor. He shall also list every male resident of the city twenty-one years of age or over. He shall list the residents of the city and owners of property in the city together in one or more books, as near as possible in alphabetical order; and the said books shall be ruled in columns, so as to show the above subject to taxation and values. The assessor shall value the several kinds of property at a fair cash value, and the amount of each kind of property shall be set out opposite the owner's name, together with his head tax,

if he be a resident, upon said book. It shall also be the duty of the assessor to take a census every two years."

§ 10. That section fifty-three of said act be, and the same is hereby, repealed, and that the following be enacted in lieu thereof :

"§ 53. All property taxed according to value shall be valued as of the first day of April each year, and the person owning the same, or holding the same in the right of another, on that day, shall list it with the assessor, and remain bound for and pay the tax, notwithstanding he may have sold or parted with the property."

§ 11. That section fifty-four of said act be, and the same is hereby, repealed, and that the following be enacted in lieu thereof :

"§ 54. All taxes levied under this charter shall be due and payable on the first day of July in each year, and the city shall have a lien for the taxes upon any and all property subject to taxation, which lien shall be superior to all incumbrances, prior or subsequent."

§ 12. That section fifty seven of said act be, and the same is hereby, repealed, and that the following be enacted in lieu thereof :

"§ 57. The assessor shall call upon persons from whom taxes are collectable, and shall administer to each one an oath to truthfully give in a full and complete list of taxable property of every kind in his or her possession, whether as owner or in the right of another, as of the first day of April last, and that he or she will true and perfect answers make to any questions asked concerning said taxable property; and he shall thereupon make out a list and assess the property of such persons. In the case of corporations this section shall apply to one or more of the officers or agents of said corporations to be found in such city. If any person shall refuse to take such oath, or refuse to give in a list of his property of the person or corporation for which he or she may be

agent, attorney or servant, the assessor shall assess the property from the best of his information."

§ 13. That section sixty of said act be, and the same is hereby, repealed, and that the following be enacted in lieu thereof: "The board of council shall, in every year, appoint three discreet men, and freeholders, as supervisors of taxes, and fix their compensation. The said supervisors shall qualify by taking oath faithfully to perform the duties of their office without favor to rich or poor; and they, or any two of them, shall meet in the office of the assessor on the Thursday following the second Monday in May in each year, and shall examine with care the assessor's books, and correct any errors of the assessor that may appear to them, whether in the name of the parties assessed or in the lists or value of the property or otherwise. They shall select a chairman by vote or lot, and he or either of said supervisors are hereby empowered to administer an oath to tell the whole truth concerning his taxable property to any person appearing to have an assessment corrected. The said supervisors shall hear complaints of any tax-payers in person or by an agent or attorney, and they may add to, diminish or increase any list of property, or the value thereof, or change the name of the party assessed, as may seem to them just. The said supervisors may adjourn from day to day until their work is completed, not exceeding two weeks. They shall be paid not exceeding two dollars per day each. Any failure or informality in the election of said supervisors, or in their meetings or proceedings, shall not affect the validity of the tax. Ten days' notice of the place of meeting of said supervisors shall be given by printed notice, and no list shall be increased unless said person shall have been cited, provided such owner lives in the city, to appear before this board. The assessor shall meet with said supervisors. If, for any reason, any property subject to taxation has not been

listed, the council may assess same ; may not be taxed or listed for more than five years last past."

§ 14. That section sixty-one of said act be, and the same is hereby, repealed, and that the following be enacted in lieu thereof :

"§ 61. As soon as practicable after the supervisors have corrected the assessment lists, they shall be returned to the clerk, who shall from them make out the tax-bills for ad valorem and head taxes for the year, in the stub book to be devised by the council for that purpose, and he shall sign and turn them over to the city collector or treasurer, and take his receipt therefor, showing the number of bills so turned over and the aggregate amount thereof."

§ 15. That section sixty-two of said act be, and the same is hereby, repealed, and that the following be enacted in lieu thereof :

"§ 62. The tax receipts, except as herein provided, shall be turned over to the collector or treasurer, as may be provided for by ordinance, who shall receipt to the clerk for same, and shall, within ten days after receipt of same, and before the first day of July, and ten days before September first, in each year, give notice by printed notice posted for ten days in ten public places in said city, or by such notice for ten days in a newspaper to be designated by the council, that the taxes for the current year are in his hands for collection and are due, and that in default of payment on or before November first the penalty prescribed by ordinances shall be attached. Said receipts shall be indorsed by the collector or treasurer, and all receipts remaining in his hands on the first day of November in each year, unpaid, shall be indorsed by him 'Delinquent,' and returned to the city clerk, and such receipts found in such tax-list returned by said clerk to be unpaid shall be credited to the collector or treasurer on his receipt. The city clerk shall thereupon proceed to attach the penalty prescribed by ordinances to each tax receipt, not exceeding twenty-five

per centum penalty and interest, as may be provided by ordinance, and then deliver same to the collector, taking his receipt therefor. Said collector shall proceed to collect same, and, in the collection of same, use the same powers and proceed in the same way as provided by law for the sheriff in the collection of the State revenue: *Provided*, That notice of garnishment shall be returnable to the police court, and said court shall have the same jurisdiction and powers that is given to county courts with reference to State revenue. At sales of property for city taxes the city shall be a competent purchaser, and the mayor shall have the right to make such purchases for the city: *And provided further*, That the board of council may order suit to be instituted for the collection and enforcement of any delinquent tax bill and lien therefor. All suits for taxes on realty shall be brought in the circuit court of the county, and be enforced as other liens are enforced, and all suits for taxes on personality may be brought in the police court of the respective city, and in all such suits the production of the tax bill shall be *prima facie* evidence of the correctness thereof, and that all proper steps were taken to fix the lien therefor."

§ 16. That section sixty-three of said act be, and the same is hereby, repealed, and that the following be enacted in lieu thereof: "At any regular meeting of the council they may appoint a collector, who shall hold his office for two years from his appointment, and until his successor is appointed and qualified. The collector shall be over twenty-four years of age, and a resident of the city for six months before his appointment. Before he enters upon his duties he shall take an oath to faithfully perform his duties as collector, and execute bond, with security, to be approved by the council, conditioned for the faithful performance of his duties, and to pay over to the person or persons entitled thereto. It shall be the duty of said collector to collect all dues owing to the

town placed in his hands. The council shall fix by ordinance, previous to his appointment, the compensation for his services. All dues owing to the city may be collected by the chief of police: *Provided*, The board of council may, by ordinance, provide that the treasurer shall perform the duties of collector. No demand shall be necessary for the collection of said taxes, but the same shall be payable at the office of the town treasurer."

§ 17. That section sixty-five of said act be, and the same is hereby, repealed, and that the following be enacted in lieu thereof: "All tax-bills uncollected, in whole or in part, on the first Monday of November of each year, against any person (not under disability of infancy, coverture or unsound mind) owning property in his own right, together with interest at six per centum per annum, and shall be a debt from such person to said city arising as by contract, and may be enforced as such by all remedies given for the recovery of debts in any court of the Commonwealth otherwise competent for that purpose; and those bills assessed against an administrator, executor or trustee shall be a charge against the whole succession or trust estate, and may be enforced accordingly, in addition to the remedies herein given."

§ 18. That section sixty-six of said act be, and the same is hereby, repealed, and that the following be enacted in lieu thereof: "Every guardian, committee, trustee or other fiduciary, appointed under the laws of Kentucky, or by deed or will recorded in any county clerk's office therein, who has the management of any lands or improvements in said city, and every agent of a non-resident of Kentucky owning property in such city, who collects the rents thereof, shall, before the first day of October of each year, pay out of the net income of such lands and improvements the city tax assessed upon the same in the preceding year before applying such income to the wants of or paying it over to his beneficiaries or employer, any

instructions of the latter to the contrary notwithstanding ; and, in default thereof, he shall be liable for such tax to the amount of the income which he might have so applied, which liability may be enforced in equitable proceedings in which it shall not be an answer that the city has a security in its lien upon the lands and improvements."

§ 19. That section sixty-seven of said act be, and the same is hereby, repealed, and that the following be enacted in lieu thereof :

"§ 67. The collector or treasurer shall make a full settlement before the board of council for all tax-bills put in his hands for collection during the preceding year, and at such time as the board of council may require ; and he shall show that he has received the cash for such bills and paid the same to the city treasurer, or have the same duly returned, and show that he has made diligent effort to collect the same. The board of council, if satisfied that the collector has done his duty, shall give him a quietus ; but said board may order the clerk to reissue any such bills returnable on the first day of December following, and return them to the collector, with orders to make further efforts at collection, which bills must be finally returned by the first day of December following, unless proceedings for their collection are pending, at such time as the board of council may require."

§ 20. That section one hundred and fourteen of the said act be amended and re-enacted, so as to read as follows :

"§ 114. That all laws, ordinances, resolutions and by-laws now in force in said cities, not inconsistent with this act, shall remain in full force until altered, modified or repealed, and those inconsistent herewith are hereby repealed : *Provided*, That no part of this act shall be so construed as to repeal any special act or amendment thereto in force on the twenty-eighth day of September, one thousand eight hundred and ninety-one, for the establishing, maintaining or carrying on a

high or graded school in any city of this class, until such time as a system of public schools shall be established in such city under the provisions of this act relating to schools."

§ 21. That sections seventy-two, seventy-three, seventy-four, seventy-five and seventy-six of the act mentioned in the title of this act be, and the same are, and each of them is, hereby, repealed.

§ 22. To enable cities of the fourth class to levy and collect the taxes for the year one thousand eight hundred and ninety-four in time to meet their current expenses and maturing obligations, an emergency is now declared to exist, and this act shall take effect upon its approval by the Governor.

[Became a law March 24, 1894, the Governor having neither approved nor disapproved same within the time prescribed by the Constitution.]

RESOLUTIONS.

No. 1.

RESOLUTION requesting Governor to order salutes fired on the eighth day of January and twenty-second day of February.

Resolved by the General Assembly of Kentucky:

1. That the Governor be requested to order a salute of forty-four guns, to be fired on the eighth instant, in honor of the victory gained by General Jackson at New Orleans, January eighth, one thousand eight hundred and fifteen; also the same number of guns to be fired on the twenty-second day of February next, in honor of the birth-day of General Washington, the father of our country.
2. Whereas, a due regard for the chivalrous conduct of Kentucky soldiers, and as the time for the execution of the order contained in this resolution is near at hand, an emergency exists, and this resolution shall take effect from its adoption.

Approved January 16, 1894.

No. 2.

RESOLUTION directing Librarian to furnish members of General Assembly with stationery at cost.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Librarian be directed and authorized to supply the members of this General Assembly, and officers thereof, with stationery, and such other sup-

plies as are kept in her department, at retail, at the same price paid by the State for such stationery, and such other supplies as are kept in her department.

2. That an emergency exists that this resolution take effect from its adoption.

Approved January 15, 1894.

No. 3.

RESOLUTION to authorize the appointment of a Speaker's messenger.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Speaker of the House of Representatives be, and he is hereby, authorized and empowered to appoint one messenger, to be known as the "Speaker's Messenger," who shall perform such duties as are ordinarily required of pages of the House, but who shall be subject to the directions of the Speaker. Such messenger shall receive the same compensation as shall be allowed the pages of the House, and shall be paid in the same manner.

2. Whereas, there is no provision of law authorizing the appointment of such messenger, and an immediate necessity exists for the same, an emergency is hereby declared, and this resolution shall take effect immediately upon its approval by the Governor.

Approved January 19, 1894.

No. 4.

RESOLUTION directing the Joint Committees on Charitable Institutions to visit said institutions and report upon condition, and so forth, and providing for the payment of their expenses.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Joint Committees of the two Houses on Charitable Institutions be directed to select sub-com-

mittees of not less than three nor more than five to visit the various institutions of the State, and make a detailed report of their condition, and recommend any changes they may deem proper for their betterment: *Provided*, That the whole committee may go to one of the lunatic asylums if, in their judgment, it should be deemed best. The Auditor of Public Accounts is directed to draw his warrant upon the Treasurer for such sum of money as may be necessary to defray actual expenses, which shall be done on certificate of the chairman of the said sub or joint committees, and nothing shall be allowed for the expense of any attaché whatever.

2. An emergency existing therefor which is apparent, this resolution shall take effect on approval of the Governor.

Approved January 23, 1894.

No. 5.

RESOLUTION providing for the election of a State Librarian.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the two Houses of this General Assembly meet in joint session on Wednesday, January twenty fourth, one thousand eight hundred and ninety-four, at twelve o'clock, noon, in the hall of the House of Representatives, in the city of Frankfort, Kentucky, and proceed at that place and hour to the election of State Librarian.

Approved January 23, 1894.

No. 6.

RESOLUTION to authorize the Governor to appoint a Messenger.

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That the Governor be, and he is hereby, authorized and empowered to appoint a Messenger, whose appointment shall continue during the present session of the General Assembly; said Messenger to receive for his services the same compensation allowed to a Page, to be paid in like manner, and for which the Auditor shall draw his warrant on the Treasurer.
2. That to make this resolution effective, the appointment of the Messenger and his services being immediately necessary, an emergency is declared that the resolution should take effect on its passage.

Approved January 27, 1894.

No. 7.

RESOLUTION inviting General John B. Gordon, of Georgia, to visit the General Assembly of Kentucky.

WHEREAS, General John B. Gordon, of Georgia, one of the most illustrious citizens of the Union, will be in the city of Louisville within the next few days; therefore, as a fitting token of respect for a distinguished soldier and eminent statesman,

Be it resolved by the two Houses of the General Assembly of the Commonwealth of Kentucky :

1. That General John B. Gordon be, and he is hereby, cordially invited to visit the seat of government on next Wednesday, January thirty-first, or at such other time during his visit to this State as may be most convenient to him, and that the privileges of the floor of the two Houses be tendered him.
2. That the President of the Senate appoint two

Senators, and the Speaker of the House of Representatives three Representatives, to constitute a joint committee to wait on General Gordon and tender him this invitation and the courtesies of the General Assembly.

Approved January 31, 1894.

No. 8.

RESOLUTION authorizing President of Senate to appoint a messenger.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the President of Senate is hereby authorized and empowered to appoint a messenger, to be known and styled the President's Messenger, whose duties shall be such as may be prescribed and directed by the President of the Senate, such messenger to be subject to his direction; and such messenger shall receive the same compensation and be paid in the same manner as pages of the Senate shall be paid, and for which the Auditor shall draw his warrant on the Treasurer.

2. That to make this resolution effective, the services of such messenger being now needed for the dispatch of business, an emergency is declared to exist, and this resolution shall take effect from the time of its passage.

Approved January 31, 1894.

No. 9.

RESOLUTION on the death of Hon. Wm. T. Cox, of the county of Warren.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the General Assembly has learned with profound regret and sorrow of the death of Hon. William

T. Cox, a member of the Legislature from the county of Warren, and sorrowfully realizes the loss to Kentucky of so estimable a citizen and honest man. In his relation to the State as a member from Warren county, and as a public man, he merited the fullest approval of his fellow-citizens, and his death is a loss to the entire people of the State.

2. *Resolved*, That the earnest sympathy of the members of the General Assembly of Kentucky is hereby tendered to the bereaved family of the deceased, and that an engrossed copy of these resolutions be forwarded thereto, and be made a part of the records of the Senate and House.

Approved February 12, 1894.

No. 10.

RESOLUTION allowing the members and officers of the General Assembly two daily papers, and to provide for the payment of same.

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That the members and officers of the present General Assembly be allowed two daily papers of their own selection during the present session, to be paid for by the State, at subscription rates, those for the Senate to be ordered through the Sergeant-at-Arms, and those for the House through the Librarian, and the Auditor is directed to draw his warrant on the Treasurer to pay for same.

2. Inasmuch as the terms of subscription to such papers are payable in advance, and the present session is almost at its close, an emergency is declared to exist, and this act will take effect when approved by the Governor.

Approved March 13, 1894.

No. 11.

RESOLUTION for the benefit of the ministers of the Gospel at Frankfort.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the sum of three hundred and fifty dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the benefit of the ministers of the Gospel, who have opened the Senate and House with prayer during the present session, and the Auditor shall draw his warrant on the Treasurer in favor of William Cromwell, who shall distribute the same to the ministers entitled thereto.

2. An emergency is declared, which is apparent, therefore, this resolution shall take effect from its approval by the Governor.

Approved March 13, 1894.

No. 12.

RESOLUTION to provide for marking the grave of Joel T. Hart.

WHEREAS, A former General Assembly had the remains of Joel T. Hart brought from Italy and reinterred in the cemetery at Frankfort; and whereas, this action was taken because of the glory reflected on his native State by the achievements of the great sculptor whose memory was thus honored; and whereas, the work of caring for his mortal remains, thus begun with so much honor to the State, is incomplete until their resting place is suitably marked; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Governor be, and he is hereby, authorized and directed to have a monument or tombstone erected

over the grave of said Hart, with a suitable inscription thereon, and the sum of five hundred dollars is hereby appropriated out of the Treasury with which to pay for same, to be paid on the warrant of the Auditor whenever the Governor shall certify same to said officer.

Approved March 15, 1894.

No. 13.

RESOLUTION providing for paying the expenses of the contest between John H. Gilliam and George W. Follis.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the sum of two hundred and seven dollars and sixty-five cents be, and is hereby, allowed to John H. Gilliam for his costs and expenses incurred in contesting the election of George W. Follis to a seat in the House of Representatives of the present General Assembly, being thirty-two dollars and sixty-five cents for fees of officers in taking deposition, fifty dollars paid to John H. Grider and fifty dollars paid to Thomas H. Hines for legal services rendered as attorneys, and seventy-five dollars for traveling expenses to Frankfort and return, and hotel bill whilst there, and that the sum of sixty-five dollars be, and is hereby, allowed to George W. Follis for his expenses incurred in said contest, being forty dollars paid to the law firm of Bradburn and Wilkins and twenty-five dollars to Ira Julian for legal services in said matter.

2. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer for said sum of two hundred and seven dollars and sixty-five cents in favor of said Gilliam, and for said sum of sixty-five dollars in favor of said Follis.

Approved March 15, 1894.

No. 14.

RESOLUTION providing for printing and distributing five thousand copies of the charter for towns of the sixth class.

WHEREAS, There is a general demand coming up from all parts of the State for copies of charters for towns of the sixth class, and there being none in Public Library or in office of Public Printer; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the State Librarian be hereby ordered and instructed to have printed five thousand copies of the charter for towns of the sixth class, together with such amendments as may be passed during the present session.
2. That said Librarian shall contract with express company, and express immediately after they are printed, twenty-five copies of said charters to each county clerk in this State, whose duty shall be to distribute them to officers of towns in his county when needed.
3. In view of the fact that there is a large present demand for said charters, an emergency is hereby declared to exist, and this shall take effect when signed by the Governor.

Approved March 15, 1894.

No. 15.

RESOLUTION to authorize the Secretary of State to purchase one thousand five hundred copies of the Kentucky Statutes, edited by J Barbour and John D. Carroll.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Secretary of State is authorized to purchase one thousand five hundred copies of the Kentucky Statutes, edited by J. Barbour and John D.

Carroll, at a price not exceeding eight dollars per copy: *Provided*, That before said purchase shall be made, the Judges of the Court of Appeals shall certify to the Secretary of State that they have carefully examined the work, that it embraces all of the existing laws of a general nature, and is well edited, and contains notes of all the leading decisions of the Appellate Court construing or bearing upon the various sections of the statutes and Constitution, and has a complete, thorough and new index to the present Constitution and statutes: *And provided further*, That the books shall all be printed on first-class paper and bound in first-class law binding, and delivered to the Secretary of State not later than the first day of September, one thousand eight hundred and ninety-four.

2. The following officers shall be entitled each to a copy of the book: The members of this General Assembly, the Governor and Lieutenant-Governor, Secretary of State, Auditor, Treasurer, Attorney-General, the judges of the Court of Appeals, the circuit judges, Commonwealth attorneys, the county judges, county clerks and circuit clerks, county attorneys and the justices of the peace of each county, and the balance of the copies shall be placed in the State Library for exchange with the other States for their statute laws, and for such other purposes as the State Librarian, under the direction of the Chief Justice of the Court of Appeals may deem proper.

3. The Auditor is hereby authorized and directed to draw his warrant on the Treasurer for such sum or sums as may be due for the purchase price of said books, when purchased in accordance with the provisions of this resolution, when same are certified to him by the Secretary of State, the same to be paid out of any money in the Treasury not otherwise appropriated.

Approved March 19, 1894.

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